

CONCEIVED IN LIBERTY



VOLUME II

"SALUTARY NEGLECT": THE AMERICAN COLONIES
IN THE FIRST HALF OF THE 18th CENTURY

MURRAY N. ROTHBARD

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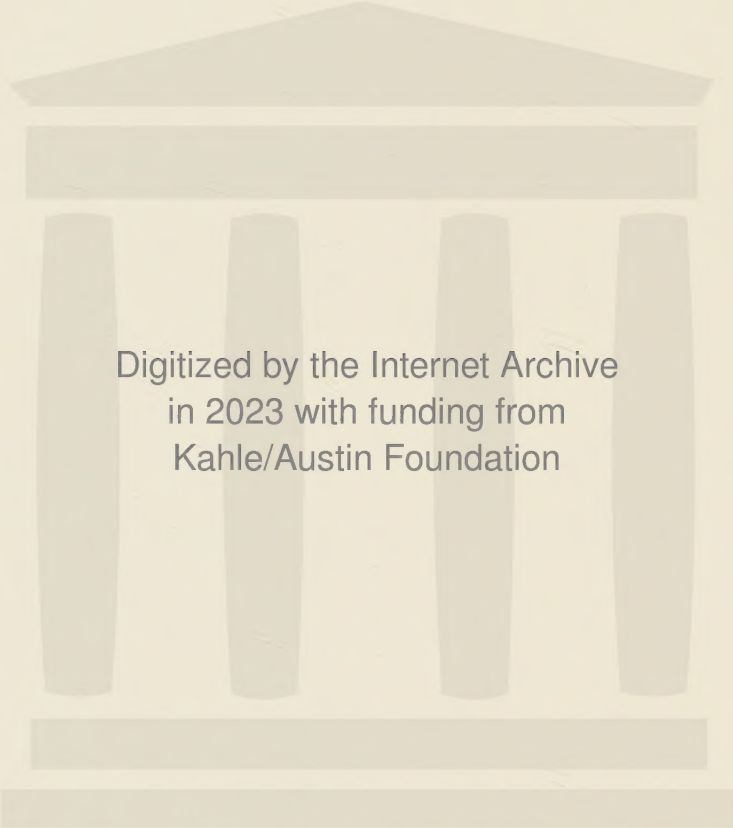
In this second of a projected five volumes, Murray Rothbard continues his bold new interpretation of Colonial America.

The half century from 1710 to 1760 is neglected in standard American history texts, but much happened. During this period the disparate colonies of the 17th century found themselves uniting. In nearly all the colonies there were struggles between the royally appointed governor and his appointed council on the one hand, and the popularly elected assemblies on the other. In contrast to the restricted franchise in Britain, most male colonials had the vote. Thus the assemblies became a democratic instrument for a common American conflict with the royal power. Indeed, the assemblies were able to win working control over their governments by mid-century.

De facto independence was stimulated by Britain's policy of "salutary neglect," as practiced by its classical-liberal rulers from the 1720s through the 1740s. By the time the war party in Britain was able to reverse these policies, the Americans had tasted too much freedom to go back. By the end of the French and Indian War in 1763, the stage was set for the clash that would grow into the American Revolution.

As America's leading libertarian thinker, Dr. Rothbard sympathizes most with the colonists when they resist the growing regimentation and taxation caused by preparations for the French and Indian War. No respecter of sacred cows, Dr. Rothbard exposes the propaganda that painted New France as a menace. He tells of privileged merchants who would feed at the trough of government war contracts, and of a young

(continued on back flap)



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First Half of the 18th Century*

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ARLINGTON HOUSE • PUBLISHERS
NEW ROCHELLE, NEW YORK

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Manufactured in the United States of America

Library of Congress Cataloging in Publication Data

Rothbard, Murray Newton, 1926-
"Salutary neglect"

(Their Conceived in liberty ; v. 2)

Bibliography: p.

Includes index.

1. United States--History--Revolution, 1775-1783--Causes. I. Liggio, Leonard P., joint author.
II. Title.

E178.R8 vol. 2 [E210]

973s [973.2]

ISBN 0-8700-316-X

75-23029

By Liberty, I understand the power which every man has over his own actions, and his right to enjoy the fruit of his labour, art, and industry, as far as by it he hurts not the society, or any members of it, by taking from any member, or by hindering him from enjoying what he himself enjoys. The fruits of a man's honest industry are the just rewards of it, ascertained to him by natural and eternal equity, as is his title to use them in the manner which he thinks fit: And thus, with the above limitations, every man is sole lord and arbiter of his own private actions and property. . . .

Indeed, Liberty is the divine source of all human happiness. To possess, in security, the effects of our industry, is the most powerful and reasonable incitement to be industrious: And to be able to provide for our children, and to leave them all that we have, is the best motive to beget them. But where property is precarious, labour will languish. The privileges of thinking, saying, and doing what we please, and of growing as rich as we can, without any other restriction, than that by all this we hurt not the public, nor one another, are the glorious privileges of Liberty; and its effects, to live in freedom, plenty, and safety. . . .

Alas! Power encroaches daily upon Liberty, with a success too evident; and the balance between them is almost lost. Tyranny has engrossed almost the whole earth, and striking at mankind root and branch, makes the world a slaughterhouse. . . .

Cato's Letters

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Preface

What! Another American history book? The reader may be pardoned for wondering about the point of another addition to the seemingly inexhaustible flow of books and texts on American history. One problem, as pointed out in the bibliographical essay at the end of Volume I, is that the survey studies of American history have squeezed out the actual stuff of history, the narrative facts of the important events of the past. With the true data of history squeezed out, what we have left are compressed summaries and the historian's interpretations and judgments of the data. There is nothing wrong with the historian's having such judgments; indeed, without them, history would be a meaningless and giant almanac listing dates and events with no causal links. But, without the narrative facts, the reader is deprived of the data from which he can himself judge the historian's interpretations and evolve interpretations of his own. A major point of this and the other volumes is to put back the historical narrative into American history.

Facts, of course, must be selected and ordered in accordance with judgments of importance, and such judgments are necessarily tied into the historian's basic world outlook. My own basic perspective on the history of man, and *a fortiori* on the history of the United States, is to place central importance on the great conflict which is eternally waged between Liberty and Power, a conflict, by the way, which was seen with crystal clarity by the American revolutionaries of the eighteenth century. I see the liberty of the individual not only as a great moral good in itself (or, with Lord Acton, as the highest political good), but also as the necessary condition for the flowering of all the other goods that mankind cherishes: moral virtue, civilization, the arts and sciences, economic prosperity. Out of liberty, then, stem the glories of civilized life. But liberty has always been threatened by the encroachments of power, power which seeks to suppress, control, cripple, tax, and exploit the

fruits of liberty and production. Power, then, the enemy of liberty, is consequently the enemy of all the other goods and fruits of civilization that mankind holds dear. And power is almost always centered in and focused on that central repository of power and violence: the state. With Albert Jay Nock, the twentieth-century American political philosopher, I see history as centrally a race and conflict between "social power"—the productive consequence of voluntary interactions among men—and state power. In those eras of history when liberty—social power—has managed to race ahead of state power and control, the country and even mankind have flourished. In those eras when state power has managed to catch up with or surpass social power, mankind suffers and declines.

For decades, American historians have quarreled about "conflict" or "consensus" as the guiding *leitmotif* of the American past. Clearly, I belong in the "conflict" rather than the "consensus" camp, with the proviso that I see the central conflict as not between classes (social or economic), or between ideologies, but between Power and Liberty, State and Society. The social or ideological conflicts have been ancillary to the central one, which concerns: Who will control the state, and what power will the state exercise over the citizenry? To take a common example from American history, there are in my view no inherent conflicts between merchants and farmers in the free market. On the contrary, in the market, the sphere of liberty, the interests of merchants and farmers are harmonious, with each buying and selling the products of the other. Conflicts arise only through the attempts of various groups of merchants or farmers to seize control over the machinery of government and to use it to privilege themselves at the expense of the others. It is only through and by state action that "class" conflicts can ever arise.

This volume is the history of the American colonies in the first half of the eighteenth century. It is generally dismissed in the history texts as a quiet period too uneventful to contemplate. But it was far from quiet, for the seeds were germinating that would soon blossom into the American Revolution. At the beginning of the century, the British government believed that it had successfully brought the previously rebellious colonists to heel: royally appointed governors would run the separate colonies, and mercantilist laws would control and confine American trade and production for the benefit of British merchants and manufacturers. But this control was not to be, and, for most of this period, the colonies found themselves to be virtually independent. Using their power of the purse, and their support among the bulk of the population, the colonial Assemblies were, gradually but surely, able to wrest almost complete power over their affairs from the supposedly all-powerful governors. And, furthermore, as a result of the classical liberal policies of "salutary neglect" imposed against the wishes of the remainder of the British government by Robert Walpole and the Duke of Newcastle, the Americans happily discovered that the mercantilist restrictions were simply not being enforced. Strengthening their spirit of rebellious independence, the colonists eagerly

and widely imbibed the writings of English libertarians, writings which inculcated in them a healthy spirit of deep suspicion of the designs of all government—the English government in particular—on their rights and liberties. Consequently, when after midcentury the English, having deposed Walpole and Newcastle and ousted the French from North America, determined to reimpose their original designs for control, the Americans would not stand for it. And the great conflict with the mother country got under way.

My intellectual debts for this volume are simply too numerous to mention, especially since an historian must bring to bear not only his own discipline but also his knowledge of economics, of political philosophy, and of mankind in general. Here I would just like to mention, for his methodology of history, Ludwig von Mises, especially his much neglected volume, *Theory and History*; and Lord Acton, for his emphasis on the grievously overlooked moral dimension. For his political philosophy and general outlook on American history, Albert Jay Nock, particularly his *Our Enemy the State*.

As for my personal debts, I am happy to be more specific. This series of volumes would never have been attempted, much less seen the light of day, without the inspiration, encouragement, and support provided by Kenneth S. Templeton, Jr., now of the Institute for Humane Studies, Menlo Park, California. I hope that he won't be overly disappointed with these volumes. I am grateful to the Foundation for Foreign Affairs, Chicago, for enabling me to work full time on the volumes, and to Dr. David S. Collier of the Foundation for his help and efficient administration. Others who have helped with ideas and aid in various stages of the manuscript are Charles G. Koch and George Pearson of Wichita, Kansas, and Robert D. Kephart of *Human Events*, Washington, D.C.

To my first mentor in the field of American history, Joseph Dorfman, now Professor Emeritus at Columbia University, I owe in particular the rigorous training that is typical of that keen and thorough scholar.

But my greatest debt is to Leonard P. Liggio, of City College, CUNY, whose truly phenomenal breadth of knowledge and insight into numerous fields and areas of history are an inspiration to all who know him. Liggio's help was indispensable in the writing of this volume, in particular his knowledge of the European background.

Over the years in which this manuscript took shape, I was fortunate in having several congenial typists—in particular, Willette Murphey Klausner of Los Angeles, and the now distinguished intellectual historian and social philosopher, Dr. Ronald Hamowy of the University of Alberta. I would particularly like to thank Louise Williams of New York City for her heroic service of typing the entire manuscript in its final form.

The responsibility for the final product is, of course, wholly my own.

MURRAY N. ROTHBARD

February 1975

Introduction

The Colonies in the Eighteenth Century

After the upheavals of the period of the Glorious Revolution in England (late 1680s–early 1690s), the American colonies had settled down into an uneasy truce by the end of the first decade of the eighteenth century. During the first half of the eighteenth century—or, more precisely, from about 1710 until the end of the French and Indian War in 1763—the colonies settled into a relatively stable society and form of government. Stable, relative to the swift and dramatic changes of the preceding century, when the American colonies were founded. The history of the colonies during this period can therefore be examined in a far more cross-sectional, and less chronological, manner than can the earlier century, or the dramatic and exciting pre-Revolutionary and Revolutionary eras that followed.

But the first half of the eighteenth century was not only a stable time for the colonies. It also saw far greater uniformity between the separate colonies than could have been imagined in the preceding century. The diversity—of religion, of motivation, of government, of culture—between the various colonies had been enormous. What possible connection could there be between the grim Puritan theocrats of Massachusetts Bay and the tolerant, pacific, and enterprising Quakers of Pennsylvania; between the Puritans and the aristocratic landed elite of tobacco-growing Virginia; or between the Dutch in New Amsterdam and the Swedes on the Delaware? But the events and upheavals of the 1680s and 1690s had sewn, for the first time, a firm thread of uniformity throughout the colonies. The common imposition of political institutions; a common relationship to the mother country, Great Britain—these common experiences were, slowly but surely, to weld a solidarity between these once totally disparate settlements, a solidarity that would ripen. Without these unifying experiences over the first half of the century, the united effort of the

American Revolution would have been impossible. Politically, virtually every colony had a royally appointed governor, an upper house, or Council, and a democratically elected lower house, or Assembly, engaged in a quiet but critical power struggle with the royal appointees. Those colonies that remained proprietary (owned by an English recipient of royal largesse)—Maryland, Pennsylvania, and Delaware—were governed very similarly, the only difference being that the governors were appointed by a proprietor instead of by the Crown. Only the anomalous self-governing colonies of Connecticut and Rhode Island were exceptions to this common experience of government during the eighteenth century.

Another vital unifying factor was the spread of a concious libertarian ideology throughout the colonies during this period, influenced directly by English libertarians who engaged not only in trenchant theoretical arguments but also in a caustic and powerful critique of the political institutions within Britain itself. In the vital field of religion, the contrasting deistic movement and the Great Awakening spread throughout the colonies; if the result was a deep and long-lasting split between the rationalistic elite and the evangelical masses, still both movements served to unify the colonies by cutting across the previously disparate and contrasting religious passions of the separate colonies.

Before turning to these common experiences, which tended to unify the colonies and which set the stage, directly or indirectly, for the new nation in the latter part of the century, let us turn to a rundown of the separate colonies, which, after all, were still separate and diverse in the first half of the century.

PART I

Developments in the Separate Colonies

1

Liberalism in Massachusetts

The first half of the eighteenth century was a relatively stable period for the colonies in many ways, especially in internal political institutions. As was true for most of the other colonies, Massachusetts politics became a tug of war between the royal governor and the popularly elected Assembly. A key to the power of the lower house was its control over the purse strings of government, and it steadfastly refused to vote a permanent salary for the governor. Not only was the voted sum generally far smaller than the governor wished, but the salary was granted at the *end* of the year, after the legislature had had a chance to appraise his actions. In short, the governor's salary was always based on good behavior. By 1731, the British government had authorized the governor to accept annual grants of salary, a final victory for the prerogative of the lower house.

The lower house was not as successful in the controversy over selection of its Speaker. The Assembly contended, quite properly, that it had a right to choose its officers, but it was finally overruled in 1725, in favor of the governor's assertion of the right of veto over the post of Speaker. Leadership of the house opposition to the executive was directed by Elisha Cooke, who at his death in 1715 was succeeded by the equally popular Elisha Cooke, Jr.

One highly significant development in Massachusetts was the disintegration of the attempt to impose comprehensive wage-and-price controls. Having lapsed by the mid-seventeenth century after repeated failures, a bill for comprehensive maximum-wage controls, attempting to compel wage rates lower than the market, was introduced in 1670 and in 1672. The more oligarchic Council of Magistrates twice approved the bill, but the more popular lower house twice defeated the plan. The Committee of Nine of the Massachusetts

General Court, representing the views of the small-scale artisan employers, lamented the "oppression" of tanners, glovers, and shoemakers by their being obliged by the market to pay journeymen employees wages that they deemed "too high." The committee also attacked the gall of journeymen in daring to desire and wear expensive clothes, and in asking for wages that would pay for them. There seemed to be no understanding of how wages are set in an unhampered market. Finally, in 1675, an extensive but less-comprehensive piece of maximum-wage control and sumptuary legislation was passed. The legislation was clearly designed to keep the lower orders "in their place." Significant of the class bias of the regulations was the fact that only laborers were to be punished and heavily fined for receiving wages above the legal maximum; no penalties were to be levied on employers paying those wages. By 1690, however, enforcement of the legislation had begun to break down, and from then on the laws proved to be increasingly ineffective and obsolete. The collapse of the regulations and of their enforcement accelerated after 1720.

It was not only in the South that the proportion of Negro slaves to white bondservants greatly increased after the turn of the eighteenth century. Although forced labor played a less dominant role in the Northern economy, a similar shift occurred in Massachusetts. From a class of young English servants bonded to family masters, the coerced laborers became largely an alienated heterogeneous group of non-English whites and Negro slaves. In the 1630s, ninety-five percent of forced labor in Massachusetts was white and five percent Negro; by the 1740s, however, twenty-five percent of forced labor was white and seventy-five percent Negro. The increasing alienation of the slaves and the servants led the Puritan members of the oligarchy to try to win their allegiance by rationalizing their ordeal as somehow natural, righteous, and divine. So have tyrants always tried to dupe their subjects into approving—or at least remaining resigned to—their fate. Hence, the Reverend Samuel Willard, in his *A Complete Body of Divinity* (1726), slyly linked the supposed hierarchical order of heaven to the existing order on earth, to the "ranks and orders among mankind in this world," which "God rather than the oligarchy hath appointed." Especially, the subjection of servants to masters was divinely appointed, made necessary by man's fall: "All servitude began in Curse. . . ." Servants, according to the emphatically non-servant Willard, were duty-bound to revere and obey their masters, to serve them diligently and cheerfully, and to be patient and submissive even to the cruelest master. A convenient ideology indeed for the masters! Unfortunately, the Reverend Mr. Willard lamented, some masters are indeed insufferably harsh and hence provoke their subjects; and some servants are "disorderly" enough to be "uneasy, and not willing to bear the Yoke or be under any Command."

The Reverend Cotton Mather, always an eloquent and leading spokesman

for despotism, warned the slaves and servants in a sermon that "there is a Fondness for Freedom in many of you." Mather advised the slaves that they were living better materially than they would be under freedom; furthermore, slavery had been appointed for them by God. Singing—for others—the siren song of supposedly contented and blissful security, Mather purred: "Your servitude is gentle . . . you are treated, with more than mere humanity, and fed and clothed and lodged as well as you can wish for, and you have no cares upon you, but only to come when you are called, and to do what you are bidden." All the subjects must do, in short, was to surrender their natural-born gift of freedom and independence, to subject themselves completely to the whims and commands of others, who could then be blindly trusted to "take care" of them permanently. How justify such unreasoning trust? Mather's role, of course, was not to engage in disinterested inquiry into the well-being of the slaves.*

Despite the myths of ideology and the threats of the whip, servants and slaves found many ways of protest and rebellion. Masters were continually denouncing servants for being disobedient, sullen, and lazy—little wonder, since they scarcely had reason to be cheerful or energetic. They did not live up to the ideal set for them by the obliging Cotton Mather in his *A Good Master Well-served* (1696): "Servants, you are the animate, separate active instruments of other men. Servants, your fingers, your hands, your feet are your masters' and they should move according to the will of your masters." One servant declared that he would much rather be in hell than serve his master; another, upon murdering his master, confessed that he had often told himself such words of reason as these: "I am flesh and blood, as well as my master, and therefore I know no reason why my master should not obey me, as well as I obey him."

The Reverend Benjamin Wadsworth, in *The Well-ordered Family* (1712, 1719), set forth the problem of the slaves' and servants' fondness for liberty and hence their rebelliousness, quite clearly: "Some servants are very high, proud. . . . They'll scarce be commanded or restrained; they are much for liberty. They must have liberty for their tongues to speak almost what and when they please; liberty to give or receive visits of their own accord, and when they will; . . . liberty to . . . go and come almost when they will, without telling why or wherefore; such liberty they contend for; they won't be ruled, governed, restrained. . . ." Such servants, Wadsworth thundered, are very wicked "in their plain disobedience to God, . . . they trample God's law, his authority under their feet." † Thus, God was adroitly linked to the rule of the masters.

Runaway servants and slaves were a problem from the beginning in Massa-

*For further discussion of the servant problem in Massachusetts, see Lawrence W. Towner, "A Fondness for Freedom: Servant Protest in Puritan Society," *William and Mary Quarterly* (April 1962): 201–19.

chusetts Bay. Mather, Willard, and Wadsworth took care to denounce running away as a grievous sin. And from the earliest days of the colony, Massachusetts law allowed the conscription of boats and horses in any chase after runaway labor.

It is not surprising that protest and rebelliousness took different forms among different classes of servants. The protest of contracted servants who had friends or relatives in the colony tended to take the form of unruly behavior or of taking their case to the courts. The more alienated and oppressed Negroes and foreign servants tended to run away. Thus, from 1629 through 1750 the latter class accounted for twenty-five percent of the cases of legal protest, but for sixty-nine percent of the runaways. Only a few servants bothered to go to court, and running away accounted for almost half of the recorded cases of protest, the latter growing with the shift in the type of forced labor during the eighteenth century.* Here was a significant indication that the propaganda of the Puritan apologists was becoming increasingly ineffective. Increasingly, the unruliness of servants and slaves reduced the profitability of such labor for their masters. And Samuel Sewall pointed out that the Negro's drive toward liberty made him a poor servant.

In the midst of this general miasma of opinion, some courageous voices were raised in behalf of liberty, even for Negroes. The eminent merchant Judge Samuel Sewall wrote, in *The Selling of Joseph* (1700), that "liberty is a real value next to life"; despite the Fall, all men, as the sons of Adam, "have equal rights into liberty." To the excuse that the Negroes had already been enslaved through wars in Africa, Sewall trenchantly replied that "an unlawful war can't make lawful captives. And by receiving we are in danger to promote and partake in their barbarous cruelties." Indeed, the excuse of humanitarianism for purchasing Negro slaves rings thin; if true, the slave traders should have instantly released their charges instead of herding and dragging them at great cost in life to the New World.

The Massachusetts Charter of 1691 had ensured religious liberty for all Protestants and had eliminated the religious test for voting. An established church, however, was still permitted and the General Court quickly moved to establish a Puritan church in each town, to be supported by the taxpayers. The ministers, however, were to be selected locally by the voters of each town, including nonmembers of the church. This system was quickly shifted to confine the choice of a minister to the church's members, subject to ratification by the town voters. Already, in 1694, opposition to the church by non-Puritans was blocking the ratification of ministers, and a new Massachusetts law provided for ratification by a Council of Elders of several churches, which council could then override a negative vote by the town.

Despite these props and privileges, however, the Puritan establishment

*See Tower, *op. cit.*, pp. 213 ff.

soon began to crumble. Once again it was the Quakers who took the lead in religious liberty. Despite attempts in 1702, 1706, and later to compel Quakers to pay for the Puritan establishment and to force Quaker towns to support a Puritan minister, Quaker resistance continued. The Quakers kept protesting to England over the compulsion to pay "the demands of the priest." Finally, in 1728, the Massachusetts establishment was seriously weakened. A law of that year permitted Quakers and Baptists to refuse to pay taxes for support of Puritan ministers on the grounds of conscience. The provision was hedged about with numerous conditions, such as the necessity of the objectors to attend some church, and their taking an oath of allegiance to the colony. But in 1731, all Quakers were unconditionally exempted from religious taxes, and four years later Baptists were likewise exempted. Only in new towns without a minister were Baptists and Quakers still obliged to pay for the Puritan church. And even in new towns the regulation was often unenforced, as witness a law of 1759 allowing non-Quakers in any town with a Quaker majority to elect as many assessors for church taxes as the Quakers. Thus, by the middle of the eighteenth century, the Puritan establishment had, to some extent, broken down in Massachusetts.

Hand in hand with the Puritan establishment came, in 1692, a law compelling each town to provide for and impose compulsory schooling on its inhabitants. Many towns, however, did not abide by the provisions, or did not impose penalties for violations. Massachusetts then tightened the screws, imposing more stringent enforcement in 1701. Further linking government schooling with religion was the fact that the schoolmaster had to be approved by a board of Puritan ministers.

Inability to enforce compulsory schooling led to still further interventions, and to still more rigorous and brutal attempts at enforcement. Not only were fines increased on towns not furnishing compulsory schooling, but in 1735 parents not educating their children in ways thought fit by the state might see their children seized by the government and shipped to arbitrarily designated foster families.

In general, rule in Massachusetts by the Puritan oligarchy—once so rigorous and so fanatical—had been greatly weakened by blows from without and by crumbling from within by the end of the seventeenth century. With the advent of the eighteenth, the decline of Puritan control accelerated still further. For the first time, moreover, a determined liberal opposition developed *within* the church, and was able to retain a foothold.

Within the church there had emerged with the Salem witch-hunt liberal opposition led by the merchant Thomas Brattle and by the Reverend John Wise of Ipswich, who had gone to prison for protesting the Andros tyranny. In 1699, a group of influential liberals of Boston, headed by Thomas Brattle, his brother William, and John Leverett, founded the Brattle Street Church within the Puritan fold. The new church issued a manifesto, endorsing the

Half-Way Covenant, eliminating the requirement of a public examination for church membership, and allowing Half-Way Covenanters a vote in the church government. Conservative ministers were outraged, and such ministers as Increase Mather, John Higginson, and Nicholas Noyes fretted and fumed, but such men no longer had the coercive power of their forebears and the Brattle Street Church survived and flourished.

Perhaps even more vital a blow to the old diehards was the loss of old-guard control of Harvard College, which had been set up as the chief training ground of the Puritan theocracy. The theocrats had always been unlucky in their choice of presidents for the college, the first two being heretical (from the orthodox Puritan viewpoint) in regard to infant baptism. That is to say, they opposed it. Succeeding presidents were unwilling to give the post their full time; as a result, with President Increase Mather away in England obtaining the new Massachusetts charter in 1692, administration of the college fell into the hands of two outstanding liberal tutors, John Leverett and William Brattle. It was largely Leverett and Brattle who converted Harvard from an old-guard Puritan stronghold to a truly liberal arts college, reflecting new ideas of science and rationality. Mather, finally seeing what was happening by the late 1690s, tried to lead a counterrevolution to regain control of Harvard for the conservatives, but he was hampered by his unwillingness to give up his congregation and make Harvard his full-time activity. Mather persuaded the Massachusetts General Court in 1699 to exclude all but orthodox Puritans from the presidency or governing fellows of the college, but the royal governor, Lord Bellomont, vetoed the scheme. Finally, in the fall of 1701, with Mather relinquishing the post, the General Court elevated Vice President Willard to the presidency of Harvard. The Mathers were appalled, regarding the accession of the Reverend Mr. Willard, who was also inclined to heresy on infant baptism, as the first step down the slippery slope to liberal control of Harvard. When Brattle and Leverett, whom Mather had dismissed from the ruling "corporation" of the college, were reinstated to their membership by the General Court, the Mathers' fears seemed confirmed. They were further aggravated by the General Court's allowing Willard to reside in Boston most of the week, thus continuing to leave effective control in the hands of Leverett and Brattle.

The climax of the struggle over Harvard came in 1707, with the death of the Reverend Mr. Willard. The conservatives made a desperate effort to elect one of the Mathers to the presidency, but the fellows of Harvard corporation selected none other than John Leverett. The conservatives were extremely bitter; not only was Leverett the leader of the liberals, but he being a mere layman, his appointment ended ecclesiastical control of the college. With the help of Governor Joseph Dudley, who had long left the fold of the orthodox, and a petition of thirty-nine liberal Puritan ministers, Leverett's selection and salary were confirmed by the General Court. The victory of liberalism at Har-

vard was sealed at long last. The victory was further confirmed when, a few years later, the liberals won unshakable control of the Board of Fellows of the corporation.

The Mathers, bitter to the last, each wrote a letter of denunciation to Dudley, giving up Harvard as a lost cause. For his part, Leverett went on to put the stamp of liberalism and freedom of inquiry upon Harvard, and to help make it a vital intellectual center in the colonies. Control of Harvard—the main center for training young ministers and laymen—meant control of the future of the Puritan church. As Thomas Wertenbaker writes: "In short, the control of Harvard by the liberal group meant that the future was theirs . . . with the triumph of Leverett and the Brattles and the group they represented, one of the chief props of the old order, the Bible Commonwealth of Winthrop and Cotton, was . . . knocked away."*

One of the first products of the new, Leverett-trained generation of Massachusetts intellectuals was the Reverend Benjamin Colman, one of Leverett's favorite pupils, who graduated from Harvard in the 1690s. Colman was selected the first minister of the new Brattle Street Church, and was largely responsible for the church's defiant liberal manifesto. By the second decade of the eighteenth century, The Reverend Mr. Colman had become one of Harvard's fellows and one of its most influential members.

Defeated at every hand, the Mathers and the other Puritan reactionaries decided to counterattack by transforming Puritan church polity into virtual Presbyterianism. Puritanism had always been an uneasy halfway house between Congregational and Presbyterian rule; now, seeing that individual congregations could be captured by the liberal forces, the old guard decided to impose collective synodal control on the individual churches. A ministerial convention of the Puritan ministers of Massachusetts had already begun to meet by the turn of the century. In 1705, the convention adopted the Massachusetts Proposals, which had been adopted by the principal Boston divines under the lead of the Mathers. The convention made the sweeping proposal that ministerial associations, each headed by a standing council, should have the power to examine and license ministers and assign ministers to the various churches. The proposals were eventually adopted, with the exception of the rule of each association by a council. The result of the change was a shift of Massachusetts Puritanism in the direction, though not a complete adoption, of Presbyterian ecclesiology.

Sturdy liberal resistance to this shift was headed by the redoubtable Reverend John Wise. Defending Congregational polity, Wise published two famous and widely read works: *The Church's Quarrel Exposed* (1710; 2nd ed., 1715) and *A Vindication of the Government of New England Churches* (1717). Impelled by his interest in the forms of church government, Wise

*Thomas Jefferson Wertenbaker, *The Puritan Oligarchy* (New York: Grosset & Dunlap, 1947), p. 158.

widened his focus to society and government as a whole. Steeping himself in the works of the great late-seventeenth century liberal German jurist Samuel Pufendorf, Wise concluded that "by natural right all men are born free," thus extending the implications of his individualist argument far beyond church affairs. Wise also concluded that "power is originally in the people," and that government should limit the natural freedom of the individual as little as consistent with social peace. Wise leveled a trenchant attack on rule by oligarchy: "For what is it that cunning and learned men can't make the world swallow as an article of their creed if they are once invested with an uncontrollable power, and are to be the standing orators to mankind in matters of faith and obedience?" The natural equality of all men in liberty meant that "government was never established by God or nature, to give one man a prerogative to insult over another. . . ."

2

Presbyterian Connecticut

During the first half of the eighteenth century, Connecticut, *mirabile dictu*, replaced Massachusetts Bay as the fountainhead of Calvinist orthodoxy in America. While the Massachusetts church was prevented by determined opposition from budging much beyond its halfway position between Congregational and Presbyterian polities, Connecticut Puritanism eagerly went all the way toward a Presbyterian position. By adopting the Saybrook Platform in 1708, the Puritans of Connecticut became virtually Presbyterian in church government; Connecticut now had an established Presbyterian church. Not only that: the orthodox Calvinists of Connecticut, seeing Harvard go the way of liberalism, determined to establish another college, to reestablish a fountainhead of rigid Calvinism for New England. Accordingly, Yale was founded in 1701, receiving its permanent location at New Haven in 1716.* The governing body of the college consisted completely of ministers who, it was ruled, must be free of all deviations, whether to the ecclesiastical right or left.

Even the Connecticut establishment, however, found that it had to relax its full rigor. As in Massachusetts, it was compelled, after a while, to exempt members of various religious sects from having to pay taxes to support the Presbyterian establishment. In 1727, the Connecticut General Court passed a law exempting any Anglicans from payment, and two years later this immunity was extended to Quakers and Baptists.

*Its original name was Collegiate School of Connecticut, becoming Yale College in 1718.

3

Libertarianism in Rhode Island

Though lacking its old-time consistency and zeal, Rhode Island continued as one of the most individualistic of the American colonies. No church establishment marred its libertarian record, and many religious sects flourished peacefully side by side in the small colony. Indeed, to ensure the prevalence of the voluntary principle, Rhode Island passed a law in 1715 forbidding any churches from obtaining any of their revenue by compulsion. And as there was no establishment, neither was there a network of government schools, as in Massachusetts and Connecticut, to impose Calvinist theology upon the inhabitants. The Quakers and especially the Baptists progressed rapidly under this libertarian regime.

True to its tradition of freedom and free trade, Rhode Island paid even less attention than the other colonies to British trade restrictions. Nor did Rhode Islanders, with their Quaker traditions of antimilitarism, treat war as sacred; they continued happily to trade with their designated "enemies" even in time of war. The militia too was raised strictly voluntarily, without imposing the compulsion of conscription. Indeed, the towns themselves elected their militia officers, a highly democratic check on the military that was abandoned in 1713 under the urging of Governor Samuel Cranston. But town voting for militia officers was restored the following year, after violent controversy. However, this unique system was finally scrapped in 1718, when Rhode Island joined the other colonies in appointing militia officers by the General Assembly and the governor. In fact, by 1741, Rhode Island had taken a large step toward militarism by establishing a permanent Council of War, consisting of the governor, the Council, and the various high officers of the colony.

No colony was as decentralized as Rhode Island. Each town largely gov-

erned itself and often an individual town would simply neglect to tax its inhabitants for military or other expenses. As a result, taxes in Rhode Island were in fact minimal. Twice yearly general elections for numerous posts, coupled with an eager willingness to turn officials out, also kept a continuing check on arrogance or entrenched power in the hands of public officials. Government itself was so lax as to be charmingly irregular and freewheeling, and even liberals such as Lord Bellomont were shocked at the democracy, decentralization, failure to keep records, and generally minimal government abiding in Rhode Island.

Even this great home of religious liberty, however, began to falter in its ideals and principles. In the young town of Westerly, at the southwestern tip of Rhode Island, a group of Sabbatarians, who celebrated Saturday as the Sabbath, gained strength. Their neighbors began to denounce bitterly the Sabbatarian "profanation" of Sunday. In 1725 the General Assembly officially ordered Westerly to mend its ways and observe Sunday as the day of rest, "considering that, though the ordinances of man may not square with their private principles, yet they must be subject to them, for the Lord's sake." Thus far had a land founded by Anne Hutchinson and Samuell Gorton and Roger Williams fallen! And this was not all, for a law excluding Roman Catholics from the franchise and from holding public office also appeared on the books after the turn of the century.

As Rhode Island, in the early eighteenth century, began to slip toward uniformity with the other colonies in the area of religious liberty and in its attitudes toward the military, so too did it move toward the other colonies in imposing, in 1724, a freehold property qualification for voting; specifically, a freehold value of a hundred pounds sterling or an annual real estate income of two pounds.

4

Land Tenure and Land Allocation in New England

While there were many instances of arbitrary land grants by the governments to individuals, the basic form of land settlement in colonial New England was the *town*. The government of the colony would give a joint grant to a group of fifty to one hundred people, who would found a town and then divide the land by lot amongst themselves. This would have roughly approximated the libertarian principle of individual settler ownership, but for two vital points: the joint proprietary reserved some of the land to be kept by itself in common, and also kept the power of governmental regulation of the territory. This procedure accounted for the compactness of the typical New England settlement.

The common land would remain off the market for years, or be used as common pasture, or be reserved for a government minister or school. As the years wore on, governmental privileges would be transferred from the joint proprietors to an elected government, but the proprietors remained in charge of the undivided land. As the population of the town grew, more citizens would appear who were not proprietors, and a separation of interests emerged setting off the two groups. For instance, in Newbury, Massachusetts, in the 1680s and in Haverhill, Massachusetts, in the 1720s, serious clashes developed between the proprietors and the nonproprietors for control of government and of the common lands. However, while oligarchic rule by proprietors emerged in some cases, care must be taken in applying this term, since, in many cases, the proprietors remained as the large majority of the town's total population. Government decrees aggravated any such cleavage. Thus, the town of Springfield, in the seventeenth century, outlawed voluntary alienation of land to landowners of any other plots, and insisted that the town authorities had to approve of any purchasers of town land.

As time went on, the common town land became increasingly divided, and in effect changed from arbitrary joint proprietorship to individual ownership by the settlers. The scope of proprietary action, therefore, steadily dwindled. Furthermore, individual squatters courageously but illegally settled on unused town government land, and were often recognized in their ownership of the land they had transformed and tilled. Thus, Cambridge, Massachusetts, in 1689, granted twelve acres of land to each squatter upon town property.

Under this system, landholdings in New England tended to be quite small, in contrast to the large landholdings in the Southern colonies. However, superimposed on this basic pattern were arbitrary individual grants by the magistrates to the magistrates themselves, often as a reward for creating the new township. As early as 1635, large land grants had been made in the newly settled townships to such leading officials as John Winthrop, Sr., Joseph Dudley, John Endecott, and Simon Bradstreet. Then, beginning in the 1730s, Massachusetts, Connecticut, and New Hampshire changed their previous method of creating new townships; instead of *granting* land to *bona fide* settlers, they began to sell new town lands in advance to speculative purchasers. This established an artificially high price for land for the genuine settlers, and amounted to the subsidization and privileging of the land speculators. The government gained revenue from the change; the speculators hoped to gain—and often did—and the settlers and the bulk of the consumers lost from this distortion of free market conditions.

From these facts, historians have tended to leap to the conclusion that a critical class struggle soon emerged in New England between absentee speculators—who were assumed to live and concentrate in the older seaboard cities—and resident frontier farmers and settlers. The speculators were further assumed to be wealthy creditors and the residents of the new towns to be poor debtors.* That this entire picture may well be in need of drastic revision is strongly indicated by Professor Charles Grant's important and detailed research of the town records of Kent, Connecticut, a frontier town of western Connecticut in the eighteenth century.** By exploring town records in depth, Grant went, at last, beyond the windy rhetoric of petitions to the legislature, on which historians had hitherto relied. For in such petitions it was all too easy to magnify tales of woe and dark charges of oppression.

Grant demonstrates that, for Kent, one of the six "western land" towns founded at auction to speculators in 1738, the speculators, rather than form-

*C. P. Nettels' treatment is characteristic: "The frontier farmers viewed the speculators as their natural enemies who withheld land from cultivation, waged war against squatters [and] . . . controlled town governments as absentee voters. The most important legacy of speculation was this sharpened antagonism between seaboard wealth and frontier poverty" (Curtis P. Nettels, *The Roots of American Civilization* [New York: Appleton-Century-Crofts, 1938], p. 530). For the main support for this view, see Roy H. Akagi, *The Town Proprietors of the New England Colonies* (Philadelphia, 1924).

**Charles S. Grant, *Democracy in the Connecticut Frontier Town of Kent* (New York: Columbia University Press, 1961).

ing a separate absentee oligarchy, actually were overwhelmingly the settlers themselves. And since land speculation has harmful effects only to the extent that it precedes and restricts settlement by the first-comers, this means that the class of speculators merged quickly with the resident settlers, and hence few harmful effects developed or persisted. It also means that no class struggle between absentee Easterners and frontier residents developed out of the new land system.

While the typical frontier Connecticut town of Kent had no problem of absentee speculative landholding, land allocation was not idyllic. Speculation by residents prior to settlement abounded on town lands *other* than their own—but at least the length of time until *bona fide* settlers became owners of their own plots was relatively brief. Furthermore, in important respects entrance to settlement and land ownership in new towns were freer than in the previous century. Although new settlers had to pay local speculators for their land, they did not have to meet the clannish requirements of seventeenth-century Puritanism. In the final analysis, payment of a market price is far less restrictive than meeting nonmonetary conditions.

If the land speculators were resident settlers rather than a separate class, this means that the common legend of the "happy yeomen" interested only in the soil and communing with nature is open to serious revision. Rather than a simple but noble rustic, uninterested in such grubby matters as making money, the Connecticut frontiersman happily and cheerfully engaged in land speculation as well as in other profit-seeking deals and ventures. If, then, the yeoman was not simple and scornful of moneymaking, neither was he poor. According to Grant, poverty was rare in eighteenth-century Kent.

As to debt and credit, Grant's corollary finding is that there was no clash of Eastern creditor vs. frontier debtor. On the contrary, debt *and* credit permeated the economy of the residents of Kent. As might be seen from the extent of land speculation and other ventures *within* the town, most people were in and out of debt, and often shifted rapidly from the net-debtor to the net-creditor category, and vice versa. There was no rigid class or lasting stratification of "debtors" and "creditors." Furthermore, net debtors could not be deemed poor, as has been the historiographical fashion. On the contrary, the leading debtors, as might be expected, were precisely the wealthier land speculators.

A good part of the credit for the failure of absentee land speculation to flourish goes to the very act of 1737 by which Connecticut organized the auction of the new towns. For the law provided that every purchaser of land rights at auction had to settle, fence, and construct a house on the land within two years. This clause ensured that original absentee proprietors had to sell their rights to genuine settlers within a two-year period.

To the extent that speculation and land settlement coincided, and therefore the body of proprietors with the body of settlers, the period of proprietary

rule of the land offers an instructive example of how the voluntary methods of the free market can successfully provide services that are almost always regarded as uniquely governmental. For the settler-proprietors themselves built roads, bridges, mills, and schools. The proprietors realized that speedy construction of roads would encourage rapid influx into the town and thus raise the value of their lands. In a couple of years after founding, however, the towns were invariably incorporated and town governments created, and with them the inevitable accompaniment of burdensome taxation and compulsory labor on the roads. It is interesting to muse on what would have happened if these New England towns had remained permanently under proprietary rule. For one thing, services would have been voluntarily provided to earn a profit from their consumers, instead of the imposing of a compulsory governmental tax burden necessarily severed from any link with voluntary consumption by the members of the public.

5

New Hampshire Breaks Free

Conflicts over land grants and claims, and over corollary governmental jurisdiction, were important sources of intercolonial conflict in eighteenth-century New England. Massachusetts laid claim to the bulk of New Hampshire, and the General Court handed out arbitrary grants to New Hampshire land. Furthermore, the Massachusetts towns insisted on claiming tax revenue from their junior New Hampshire neighbors. Massachusetts encroachment on New Hampshire was facilitated by their having a common governor, and by the 1730s Governor Jonathan Belcher, a wealthy Boston merchant, was heading the Massachusetts party in alliance with Secretary Richard Waldron III and the oligarchs of the New Hampshire Council. The popular opposition to Massachusetts in New Hampshire was led by Lieutenant Governor John Wentworth and then by his son Benning, also a powerful merchant. The opposition shepherded the New Hampshire legislature into making conflicting land grants of its own. To secure the favor of the Crown, the New Hampshire General Court voted the governor a fixed salary, thus going beyond Massachusetts. Influenced by this good conduct (in addition to bribe money spread where it could help), by the importance of New Hampshire ship masts, and by the perennial troublesomeness of Massachusetts, the English Privy Council finally decided in 1737 on a boundary in favor of New Hampshire. By 1741, New Hampshire was assured of approximately its present dimensions. Massachusetts conspired to revive the old Mason claim to proprietorship to New Hampshire.* Not only did this fail, but Britain, in disgust, removed Belcher from his post and ended the system of joint governorship,

*See *Conceived in Liberty*, v. I, index listings for Robert T. Mason.

which threatened to keep New Hampshire under the tutelage of Massachusetts. The leader of the popular opposition, Benning Wentworth, now became full governor of New Hampshire in 1741, and Massachusetts received a royal governor of its own. Freed from the burden of this struggle, New Hampshire flourished and grew apace. At his inauguration, Governor Wentworth prophetically hailed the final separation of the two colonies as "an event which . . . will . . . be a lasting advantage; will be a means of replenishing your towns with people, of extending and enlarging your commerce."

With New Hampshire secure from Massachusetts aggression, Governor Wentworth decided to safeguard the newly decided-upon western part of the colony (now Vermont) for his control by parceling out huge land grants to that unsettled region (known as "the New Hampshire Grants"). Here, Wentworth was worried about New York's old claims to jurisdiction over this territory. Wentworth, it should be noted, took good care to assign *himself* a fee of five hundred acres in each newly designated township. Fortunately, no feudalistic proprietary was sustained, as the grantees quickly divided and sold the land. An annual quitrent of one shilling per hundred acres was demanded by the grantees, but they, typically, found it impossible to collect. With settlement rapidly developing, the period of transfer of landholdings from grantees to actual settlers fortunately tended to be brief. New York, however, continued to make its claim and to hand out conflicting western New Hampshire grants of its own.

Governor Wentworth began the grants in 1749 by creating the town of Bennington, and by the 1760s was founding many towns per year (sixty-three in 1761 alone). Here, considerable absentee speculation served as "wholesale" and "jobber" intermediaries before the land developed fairly rapidly upon the settlers. In making the grants, incidentally, Wentworth did not neglect his own family; at least a dozen Wentworths received handsome gifts, as did many leading citizens of New Hampshire and New England.

6

The Narragansett Planters

Another important intercolonial conflict over land and territory—and of long standing—was the Connecticut–Rhode Island struggle over the Narragansett Country in what is now southwestern Rhode Island. The controversy was resolved at last in 1726, when the Crown settled the territory in favor of Rhode Island. The detailed line was finally drawn two years later. By that time, however, the Atherton Company and ensuing land titles had been entrenched and confirmed, and the land pattern of the Narragansett Country had become considerably different from the rest of New England. Instead of compact towns, the Narragansett Country consisted of large “plantations,” differing from those in the South only in the commodities grown: berries, sheep, and horses, rather than tobacco and rice. And like Southern plantations, these large farms were maintained and worked only by extensive Negro and Indian slavery. In the major Narragansett township of South Kingston, the population in 1730 included 965 whites, 333 Negroes, and 223 Indians—the last two groups almost all slaves. Too, a proportion of the whites were indentured servants. The proportion of nearly one half the citizens as outright slaves was matched only in the Southern colonies.

Along with the heavy proportion of slaves came a rigorous slave code. Gone were the days of Samuell Gorton’s attempt to outlaw slavery in Rhode Island. Laws were now imposed prohibiting any Negro, free or slave, from being out of doors after 9 P.M. on penalty of fifteen lashes; no household could allow any servant or slave to dance or gamble; and no ferryman could transport a Negro without an authorized certificate from a master or from the courts. In addition, South Kingston itself prohibited any free Negro from having a slave at his house, and in 1726 barred any outdoor social gatherings

of Indians or Negroes. Furthermore, a slave suspected of theft was liable to be tried without a jury.

In Rhode Island, as in the other colonies, only freeholders could vote. Whereas this ensured a democratic system in most of New England, the reverse was true in the Narragansett Country, where the landowners were few and large. In 1729, this requirement was fixed at the substantial sum of two hundred pounds sterling freehold, or an annual value of ten pounds sterling—a substantial sum for the time, and five times the Massachusetts voting requirement. As a result, the small landowners were disenfranchised and large landowners achieved strict oligarchic control of the local government of the Narragansett Country. And these governments, headed by town councils unique in New England, had far more power than the usual town selectmen. For one thing, the council decided absolutely on who could be admitted into the settlement and who prohibited; it functioned also as a local court. Furthermore, jury trial was discouraged in the area, and a body appointed by the council decided disputes over roads. In contrast to the elected officials of other townships, the town council was partially appointed and only partially elected. In all these ways, the rule of a local landed oligarchy was reinforced.

New York Land Monopoly

As early as the turn of the eighteenth century, New York, in its large Hudson River manors, was the only colony where feudal landholding retained an important foothold. In this colony, the few receivers of huge land grants persisted in renting instead of selling their domains, and they thus formed, along with the royal bureaucracy, a ruling oligarchy of the colony.

Robert Hunter, the relatively liberal governor of New York during the second decade of the seventeenth century, saw the problem and warned of the oppression of the tenants and the crippling of growth in the colony. The problem grew acute again with an accession to the governorship of John Montgomery in 1728. Montgomery renewed the old policy of granting huge tracts of land in return for monetary reward—the main sale of such privilege being a grant of 50,000 acres in eastern Dutchess County to Thomas Hawley in 1731 in return for 750 pounds sterling. The new rash of land grants reached full flower in the regime of William Cosby (1732–36), who took the precaution of giving *himself* one-third of the total amount of his grants. This orgy of special privilege even moved two of the leading officials of the colony to protest to England. Lieutenant Governor Cadwallader Colden noted in 1732 that enterprising youth were leaving New York in large numbers, driven by the land monopoly to seek land of their own elsewhere, “while much better and every way more convenient lands lie useless to the King and Country. The reason for this is that the grantees themselves are not in a capacity to improve such large tracts and other people will not become their vassals or tenants.” Colden eloquently pointed out that a leading reason that so many people had left Europe for the New World “was to avoid the dependence on landlords, and to enjoy a fee [simple] to descend to their pos-

terity that their children may reap the benefit of their labor and industry." And Chief Justice Lewis Morris deplored the "engrossing of great tracts of land into few hands," making it very difficult and expensive to settle these lands. In contrast, better and far cheaper lands were available in New Jersey and Pennsylvania, which were thus attracting far more immigrants.

Despite these warnings, the venal policy of land engrossment continued apace. Governor George Clarke (1736-43), for example, evaded the maximum limit of 2,000 acres per grant by giving himself land through dummy associates. Thus, Clarke granted William Corry 100,000 acres in the Mohawk Valley, which Corry promptly transferred back to Clarke's personal ownership. In this way, Clarke was able to amass a fortune of 100,000 pounds' worth of land during his term of office. Clarke's successor in the lucrative post, George Clinton (1743-53), also granted much land to himself through numerous dummy intermediaries. For grants to others, Clinton charged the high fee of thirteen pounds for each 1,000 acres given away. Through such means, Clinton was able to amass a fortune of 100,000 pounds in his decade of rule.

As the eighteenth century wore on, the discontent of the tenants increased, along with the extent of manorial landholdings. The farmers—significantly, generally referred to by the European name "peasants"—were subjected not only to rent payments, but also to juries constituted by the manor lord, as well as to various feudal fees and privileges. Unable to purchase their land, the farmers also faced insecurity of renewal of lease, and the increasing rents of any new lease ate into any farm prosperity they might have enjoyed. The farmers had therefore little incentive to improve the land, since they would only in the end have to pay more rent to the manor lord. Furthermore, the large feudal manors enjoyed their own direct representation in the provincial Assembly, with their own private "rotten boroughs."

In addition to these numerous privileges, the New York government propped up the feudal manors in other significant ways. For one thing, New York did not adopt the significant English common-law realization that the mortgager is the true owner of the land; failure to do this preserved New York landlords from any compulsion to yield property to their creditors in case they could not pay. Also, New York established an elaborate system of registry of land titles, which, being costly, favored the large and wealthy landlords who could pay the expenses of registry and of hiring lawyers to do the job. And, finally, feudal entail and primogeniture were imposed to keep the huge manors intact and to prevent them from being divided. Thus, Frederick Philipse, one of the great manorial lords of New York, made a will in 1751 compulsorily entailing all his land to his firstborn and then to the latter's first-born, etc., forever.

The dominant manors of New York in the eighteenth century were those of Livingston, Philipse, Van Rensselaer, and Van Cortlandt. The Philipse

manor (the "highland patent") began with a grant by Governor Benjamin Fletcher in 1697; the grant soon amounted to over 200,000 acres, covering some of Dutchess County and almost all of Putnam County. The Philipse manorial system was highly oppressive. Leases lasted only for the life of the tenant, at which point the land, *along with its improvements*, reverted to the manor lord. If any tenant wished to transfer his tenancy to another, he was forced to pay a one-third alienation fee. In addition, all property of mines and minerals was reserved for Philipse.

The Van Rensselaer manor of Rensselaerswyck was, of course, the pioneer manor in the colony, having been the only holdover from the Dutch policy of creating feudal patroonships. Amassing one million acres and covering most of Albany County by the turn of the century, Rensselaer leases were even shorter term than Philipse's, amounting to a thirteen-year term. Rents were exacted in kind and in service, as in the Middle Ages, as well as in money. The manorial lord also reserved all rights of milling and mining and timber, and the tenants were liable for all taxes on the manor. But while the tenants paid the taxes, the lord, Van Rensselaer, virtually had the right to pick his own assemblymen by the 1680s. The tenants who voted in this and other manorial elections had, it should be noted, no such protection from landlord wrath as the secret ballot.

Livingston manor began with a grant in the 1680s, and was stretched, like the other grants, through dubious legality from Indian purchases to include 160,000 acres in Columbia County. Robert Livingston, the original grantee, was fortunate enough to marry the widow of his former employer, the Van Rensselaer patroon, and later rose to become Speaker of the New York Assembly and mayor of Albany. Livingston had his own assemblymen from 1715 on. Livingston's rules were slightly more liberal than those of others. Terms of leases varied, but most ranged from life to the lives of three generations of tenants. In contrast to the other large manors, some subdivisions were actually sales of property in fee simple to the farmers. As in the other cases, tenants were responsible for payment of taxes.

Van Cortlandt manor, which began with 86,000 acres of Westchester County granted in 1697, was the most liberal of the large manors, especially after the 1750s. For one thing, the Van Cortlandts were the most willing to *sell* their land in fee simple—for a high price, of course, but at least they were willing. In addition, the lot of the tenant was greatly eased by permitting transfer of leases with almost no alienation fees. Furthermore, the Van Cortlandts, allowed their own assemblymen after 1717, permitted their freeholders on the manor to select an additional representative. Most important, the process of subdividing the ownership of Van Cortlandt lands was greatly accelerated by equal division among their heirs. Alone of the large manors, the Van Cortlandts eschewed the privileges of entail and primogeniture. With the combined pressure of subdividing inheritance and sales in fee simple, the

Van Cortlandt manor very gradually disintegrated into legitimate settler-ownership. But this was to take time; in the meanwhile, in 1769, five-sixths of the inhabitants of Westchester were the subjects of six manorial lords, with one-third of them on Van Cortlandt and Philipse manors. Other leading manorial lords of the province were the Schuylers—whose leases were long, covering three lives, and who were willing to sell land in fee simple—the Duanes, the Beekmans, and the Heathcotes.

With the renewal of arbitrary land grants in the eighteenth century, domination of the entire governing machinery of New York by the landed oligarchs was far stronger than in the previous century. The leading lawyers of the colony—and hence the main politicians—were connected by intimate family ties with the great manorial lords. Of the thirty-three lawyers licensed to practice in New York from 1730 to 1776, the remarkable number of thirty were connected with the great landlord families and two of the remaining three were smaller landlords. This also meant that almost all the judges and attorneys general of the colony were closely tied to the big landlords, and such landlord-connected judges as Robert R. Livingston and William Smith never hesitated to decide cases in which they or their relations were involved. Of the eight governors of New York from 1750 to 1776, six were large landlords.

As we might expect, the Council, the upper house of the New York legislature, was an ironclad stronghold of the big landlords. Of twenty-eight councillors from 1750 to 1776, fully twenty-five were connected with large landlord families. On the other hand, domination of the Assembly, the lower house, was less overwhelming; of seventy assemblymen during this period, fifty-two came from the great landed families. One-third of the representatives outside New York City came from pocket boroughs—from the manors—and a forty-pound-sterling property qualification for voting added to the factors making for landlord domination. Of a total of 137 executive, legislative, and judicial officers of New York from 1750 to 1776, eighty percent, or 110, were connected to large landed families, while five percent, or six, were small landholders.

By the middle of the eighteenth century, rising resentment against the manorial lords set off tenant uprisings against their masters. In 1750, a tenant-settler revolt occurred in Dutchess County, and in the 1760s, similar revolts occurred in the manors of Albany and Westchester. Discontent centered in the largest manors of the big four landlords, and the movement of the New York "peasantry" was to culminate in the general Hudson River Uprising, or "Levellers' Uprising," of 1766.

Apart from such eruptions from below, politics in New York reflected the aristocratic feudalism of the social structure. Parties vying for control were largely personal factions within the landed oligarchy. Sharing a common ideology and a common devotion to the basic social structure, political struggles

became mainly squabbles of family and place.* As is the norm in ruling aristocracies, the leading landed families were widely interrelated.

After midcentury, however, this situation began to change, as will be seen further below. The two leading factions of the province came to be headed by the Livingston and the DeLancey families. To the Livingston camp began to gravitate the upstate interests, while the New York City interests tended to join the DeLancey faction. In addition, the Dissenters tended to support the Livingstons and the Anglicans the DeLanceys.

New York's system of land monopoly greatly aggravated the colony's territorial disputes with its neighbors, Massachusetts and New Hampshire. In upstate New York, the rebellious tenants of the manorial lords took advantage of the territorial claims of Massachusetts to a boundary on the Hudson River. In 1751, the tenants of Livingston manor refused to pay their rents, and argued that they owned the land outright in fee simple under the authority of Massachusetts. Tenants of Livingston and Van Rensselaer petitioned to Massachusetts to include them in its jurisdiction, and ignored Livingston's orders to leave their land. The embattled tenants were led by Michael Hallenbeck and Josiah Loomis, and the encouragement of Massachusetts was particularly given to them by David Ingersoll. The manorial lord Robert Livingston, Jr., retaliated by burning the house of one of the tenants and throwing the tenant himself into jail. He also began court action against Hallenbeck. Armed conflict broke out in 1753 when Livingston sent a troop of sixty armed men to burn the houses and destroy the crops of the leaders of the tenants who had refused to obey Livingston's order to leave, especially Josiah Loomis and George Robinson. The rebels, led by Joseph Paine, retaliated by chopping down over a thousand of Livingston's manorial trees. In addition, Massachusetts stepped into the fray, pushing its own jurisdiction by arresting a Livingston tenant who refused to take a Massachusetts title and, finally, forcibly transferring his land to another claimant. Loomis and Hallenbeck, attracted by Massachusetts support of tenant claims, escaped to the Bay Colony. There they were appointed to a committee of the General Court engaged in granting New York land titles to settlers. Albany County and the governor of New York swung into action against the rebels, but failed to quell the uprising.

In fact, the land conflict was aggravated the following year, as both Massachusetts and New York sent troops into the area to battle Indians, and both

*Carl Becker put the point very well: "For political purposes, the organization of the aristocracy rested upon the surviving feudal principle of the personal relation: personal loyalty, rather than faith in a proposition, was the key to political integrity. The principal means by which this bond was established . . . was the marriage relation. An effective political influence was established, not by securing control of a 'machine' within a party, but by interrelating one's family with the aristocracy as advantageously as possible" (Carl L. Becker, *The History of Political Parties in the Province of New York, 1760-1776* [Madison, Wis.: University of Wisconsin Press, 1906], p. 12).

sets of troops remained to take opposite sides in the boundary dispute. Van Rensselaer tenants, led by Hallenbeck and Robert Noble, formed an alliance with Massachusetts militia in Albany County to battle New York troops, and warfare raged throughout the area until 1757, with numerous armed raids and daring captures on either side. The armed conflict reached peaks in early 1755 and in 1757, pitting Massachusetts troops and armed tenant rebels against the private armies of Livingston and Van Rensselaer. Only a boundary proclamation by the Crown in 1757 effectively ended the Massachusetts claims to the tenants.

New York's other great land dispute was with New Hampshire, over its western territory (now Vermont). New York had begun the arbitrary parceling out of New Hampshire lands in 1696, with an eighty-four-square-mile grant to the Reverend Godfridus Dellijs. But it was in the late 1760s that the carving up of Vermont land was pursued in earnest, in a wild race with the New Hampshire government. From 1765 to 1776, New York governors handed out claims to over 2.1 million acres of Vermont land, and over 2.4 million additional acres were military grants purchased by the New York grantees. Of the grantees, eight New York lawyers, merchants, and land speculators were given over 375,000 acres. Leading recipients of New York's largesse were James Duane and Goldsbroow Banyar.

One of the most unfortunate groups of sufferers from New York's policy of land monopoly was a band of German refugees from the Palatinate who were known as the Palatines. England had prided itself on admitting all Protestant refugees from Europe, and the French Huguenots, mainly businessmen and financiers, were a welcome dividend from this policy. But in 1709, a group of several thousand Protestant Palatinate refugees fled to London from the devastation of their homes and lands that was ravaging Germany during the War of the Spanish Succession. Now that the Palatines were there, what could be done with these poor and homeless peasants? With England's own land engrossed by feudal lords, there seemed to be no room for the Palatines there. The British government decided to combine "humanitarianism" with profit by shipping the Palatines as indentured servants to New York, a colony with a severe shortage of labor and an abundance of land. The catch, of course, was that the land was also being engrossed there, and that the shortage of immigrants to the colony was largely because of that preemption of land.

Indeed, Britain decided to kill several birds with one stone; New York was eager to develop a staple product other than furs, and the Crown was also interested in increasing production of naval stores such as tar and pitch for the Royal Navy. What better way than to force the Palatines to produce such naval stores?

And so the hapless Palatines, who wanted nothing but to farm land of their own, were shipped to New York and coerced into working for the

Crown and for Robert Livingston to produce naval stores, a product about which they knew nothing. There they were forbidden to engage in the one thing they did know: farming.

On the first leg of their journey, three thousand were herded into ten ships, with fully one-fourth of the passengers dying en route. When they landed, the unhappy Palatines were kept on Nutten Island (now Governor's Island) in New York Bay for five months while their fate was being decided. The Palatines were originally scheduled to go to the Mohawk Valley, but after they arrived in New York in early 1710, it was suddenly discovered that the Mohawk land was unsuitable for naval-stores production. Governor Hunter thereupon purchased 6,000 acres of Livingston manor for the Crown, as well as rights to some pine trees on Livingston land. Livingston also profited not only by wider markets for the products of his manor, but more directly by obtaining the victualing contract for the Palatines as well as an appointment as their inspector. The Crown and Livingston had joined to exploit the labor of the Palatines, but Livingston's gains were seemingly more certain and immediate.

And so the Palatinate peasants, trustingly fleeing from devastation in Germany to a supposed haven in England, now found themselves in remote upstate New York surrounded by pine trees and forced to produce naval stores for the Crown. As if this were not enough of a cross to bear, neither Livingston nor the government was particularly conscientious about feeding the Palatines. When Livingston found that a supply of his beef was spoiling, he quickly shipped two months' supply to the Palatines—with the full connivance of the New York government. On the job, the unfortunate Palatines were worked in labor gangs under strict supervision; moreover, the children of those who had died at sea were forcibly separated from their remaining relatives and sent by the government to be apprenticed far away in other colonies. And even children of living parents were seized in the same way.

The Palatines, understandably, began to grow restive at this treatment. Led by John Conrad Weiser, they threatened to mutiny, that is, to leave their wretched circumstances. Governor Hunter, failing to persuade the Palatines to become resigned to their fate, sent for an armed troop, disarmed the Palatines, ordered them treated as the "Queen's servants," and appointed a court to dictate their affairs. And troops were sent in periodically to try to force the Palatines to keep working. Thieves fall out, however, and Livingston was betrayed by his own partner—the royal government—in the oppression of the Palatines. The government refused to pay Livingston's victualing account. Furthermore, the artificially encouraged naval-stores program was going very badly and the Crown officials decided to heap all the blame on Livingston. Governor Hunter's pet naval-stores project was collapsing and what with the squabbling over the victualing account between the government and Livingston, the Palatines began to raid Livingston's storehouse to obtain food.

Finally, with a new government in Britain reluctant to pour good money after bad in further subsidy, Governor Hunter was forced to abandon the disastrous naval-stores program in the fall of 1712. A government program of artificially stimulated production with the use of forced labor had failed ignominiously. The governor told the Palatines that they were free to work where they wished during the winter provided that they reassembled in the spring. But a large number of Palatines used their newfound freedom to escape to the Schoharie country in New York, to New Jersey and Pennsylvania, and to other parts of New York colony. Before long the government abandoned the whole project and the Palatines were released from bondage to the Crown. The bulk of the Palatines moved happily during 1713 to the Schoharie country, where they purchased land from the Mohawk Indians.

But the persecuted Palatines were not yet free. The various land speculators managed to obtain monopolistic grants from the governor of the very lands on which the Palatines had settled. The would-be land engrossers of Schoharie, who included a Livingston and a Schuyler, demanded that the Palatines take out leases and pay rent to their designated landlords. They were aided and abetted by Governor Hunter, who, for one thing, was angry at the Palatines' escape from their servitude.

But while the full force of the government created and tried to sustain the land monopoly, the doughty Germans, led by Weiser, insisted on defending their hard-earned land by force. The rebel Palatines drove their would-be overlords out of the Schoharie settlement and gave Sheriff Adams a thorough trouncing. Hunter retaliated by ordering the Palatines to submit to the designated landlords or be removed, and as defiance continued he prohibited all further cultivation of the land by the Palatines.

Weiser shipped secretly to England to try to win the support of the Crown for free possession of their land, but the attempt failed. Driven off their land by monopolistic land grants, half the Palatines left Schoharie and moved westward, settling along the Mohawk River during the 1720s. But Weiser and his followers, thoroughly disgusted with New York policies, left for Pennsylvania and settled there. As a matter of fact, New York's treatment of the Palatines discouraged all further German immigration into New York, and from then on Pennsylvania was much more heavily favored.

8

Slavery in New York

Of all the Northern colonies, New York had the most trouble with Negro slave rebellions. In 1702, New York found it necessary to outlaw any assembly of slaves or even to allow their testimony in court, in view of frequent confederations of slaves to plan escapes from their fate. However, in a remarkable bit of loading the legal dice, the testimony of slaves *was* to be acceptable when acting as informers on their fellows! Three years later, the death penalty was decreed for all runaway slaves found more than forty miles north of Albany, and hence heading toward freedom in New France. In 1706, slave restiveness in Kings County led Governor Edward Hyde, Lord Cornbury, to issue a proclamation ordering the justices of the peace to seize all Negroes who had "assembled themselves in a riotous manner" or had run away. If any Negroes refused to submit, then the officials were to "fire on them, kill or destroy them, if they cannot otherwise be taken. . . ."

Two years later, in 1708, a group of slaves in Newtown, Long Island, rebelled and killed seven whites. Four of the rebel slaves, including an Indian woman, were executed, the woman being burned by the authorities. A subsequent law in New York allowed judges to sentence local slaves to death in any manner they might deem best to attain public tranquility. The fear of slave rebellion was clearly acute among the white masters.

Early in 1712, a group of Negro slaves in New York City formed a massive plot for an armed uprising. In the spring, a group of about thirty of the slaves obtained arms and then set upon a party of whites, routing them and killing nine. Soldiers soon crushed the mutiny, however, arresting seventy Negroes as conspirators (one of whom was convicted after being once acquitted), and placing the city under arms. Twenty-one of the slaves were executed

en masse, the governor taking advantage of the new law to perform the execution in a particularly brutal manner, as "the most exemplary punishment . . . that could possibly be thought of. . . ." Perhaps the most instructive lesson learned by the discerning was the brutality and savagery at the very core of the slave system. It is part of the Western heritage that when something unpleasant happens, a new law is passed in a hurried attempt to cure it. The new legislature therefore once more quickly tightened its laws punishing slave conspiracies.

By 1740, New York City had the substantial number of 2,000 Negro slaves among a total population of 12,000. The proportion soon reached one-third in Kings and Queens counties. In 1740, hysteria spread through the city over an alleged slave plot to poison the white water supply. For some time afterward, most New Yorkers allayed their fears by buying spring water from street vendors. The ensuing winter of 1740-41 was a hard one in New York, with the price of wheat and bread high, and much suffering among the poor. Fires began to rage frequently throughout the city, some perhaps set by Negro slaves and white sympathizers. The slaves, in accordance with the revolutionary nature of the weapon used, concentrated their arson on the homes and offices of government officials and on the barracks of the soldiery. Several suspicious fires also broke out in Hackensack, New Jersey, for which at least two slaves were themselves burned in retaliation.

The response to the fires was mass hysteria by the whites, expressed in indiscriminate arrests indulged in by the New York government. No fewer than one hundred and fifty slaves and twenty-five whites (including seventeen soldiers) were arrested. Interestingly enough, the main focus of white fear and hatred centered on a group of Spanish Negro prisoners of war, who, upon capture, had been sold from freedom into slavery in New York City. These Negroes were, understandably, particularly bitter at such treatment accorded to prisoners of war. As the greatest and most recent victims of injustice, they drew the hottest fire of the guilty whites. All of these Spanish Negroes were imprisoned in the wave of arrests.

In the mass arrests, city officials presumed to make a house-to-house search for "suspicious-looking" characters, who were ordered summarily arrested on suspicion. Eventually, every Negro at large was picked up by the police.

The hapless Negroes, beset by torture and by promise of relief for accusing others, could not find a single lawyer to defend them. One reason was that every lawyer in the city was directly associated with the prosecution. In his summing up, Prosecutor William Smith had the gall to denounce the base "ingratitude" of the mutinous Negroes. Four of the white prisoners were executed, including an innkeeper and his wife, as was a clergyman, the Reverend John Ury, accused of swearing in the conspirators. Ury stated that he was an Anglican minister, but the government insisted that he was a Spanish Jesuit priest, and a New York law of 1700 provided for the hanging of any

Roman Catholic priest found in the province. The attorney general, summing up the prosecution, took the occasion to denounce the iniquities of the Church of Rome. Refusing to believe that Ury was not a Catholic, New York carried out the execution. Of the slaves arrested, thirteen were burned alive, eighteen were hanged, and seventy banished to the West Indies. Every one of the unfortunate Spanish Negroes was killed; while waiting to be burned at the stake, a few Negroes were persuaded to "confess" and "tell the truth" (that is, implicate others) in exchange for a delay in the hope of a pardon. But their desperate maneuver was to be of no avail. The crowd became enraged when hearing of a delay and, at its insistence, the Negroes were immediately burned to death.

It is instructive to learn from the adamant prosecution of these alleged criminals that the main witness against them, a young white indentured servant named Mary Burton, was conceded by the court to be a liar and a perjurer. In addition, the trials were marked by so-called confessions extracted either by torture or by promises of large rewards for informing on others—methods which can hardly lend credence to their testimony. Indeed, the mass frenzy greatly resembled the Salem witch trials and, as in the Salem case, only when confessions (especially those of the star witness, Mary Burton) began to implicate well-known and wealthy people did the wave of arrests and executions suddenly subside.

One happy consequence of the New York slave frenzy was that it stamped the psyches of the residents with fear of further slave revolts, which led to a steady decline in the number of Negro slaves kept in New York City.

9

Land Conflicts in New Jersey

Land conflicts in New Jersey during the colonial period stemmed from its unique status of having numerous resident proprietors. Other proprietary colonies had one or a few feudal owners, remotely resident in England. Both West and East New Jersey, however, had numerous resident proprietors alert to their own interests, and when the provinces became a united Crown colony, the proprietors' title to land still remained.

The bulk of the problem centered in East New Jersey, where the proprietors tended to hold onto their granted titles and tried to enforce quitrents rather than subdivide and sell the land quickly. The proprietors had trouble with two types of settlers: the recipients of the old Richard Nicolls patent during the mid-seventeenth century, and squatters, who believed no more was required for owning the land than settling and purchasing the tract from the Indians. The Nicolls patentees were largely in Elizabethtown, while the small farmers and squatters were farther west in the Oranges and in Hunterdon and Morris counties.

The East New Jersey Council of Proprietors began a concerted attempt to enforce their titles and quitrents during the late 1720s. Leading the proprietors were Lewis Morris and James Alexander. The proprietors received a severe setback when their attempt to eject an Elizabethtown settler was defeated after a jury trial in *Lithgow v. Schuyler* (1734). Foiled in their attempt to oust the Nicolls patentees, the proprietors decided to try to collect quitrents, which had accumulated to a total of 10,000 pounds in arrears.

The West New Jersey proprietors also began to crack down on squatter-settlers, especially in Hunterdon County. When agents of proprietor Daniel Coxe, Jr., tried to collect quitrents, the Hunterdon settlers drove them off with

arms, and threatened Coxe with assassination if he should persist in his harassment. The conflict intensified when Lewis Morris, the leader of the proprietors, became royal governor in 1738.* Morris quickly appointed his son, Robert Hunter Morris, to be chief justice of the province, and his daughter's father-in-law, Richard Ashfield, to be receiver general of quitrents. The upper house was also packed by Lewis Morris with his fellow proprietors.

The determined Morris decided, in the 1740s, to try the Elizabethtown land cases in the Court of Chancery, where he himself was presiding judge. In reply, the Elizabethtown settlers petitioned the king about their grievances, but to no avail. Morris and the proprietors also began winning many ejectment cases against settlers on the fringe of Elizabethtown, as well as against squatters farther west who had purchased Indian titles. The Chancery case against the Elizabethtown settlers was filed in 1745, and the settlers appeared to be in dire straits. At this point, with tensions at fever pitch, one of the Elizabethtown leaders, Samuel Baldwin, was arrested for cutting timber on his own—but allegedly proprietary—land. The people's anger exploded and a mob broke open the Newark jail and rescued Baldwin.

Four months later, Nehemiah Baldwin and others of the rioters were arrested in their turn. In response, a crowd armed with clubs appeared and rescued Baldwin. Shortly afterward, a mob of three hundred appeared at the Newark jail, facing thirty armed militia. Threatening to kill every militiaman if fired upon, the triumphant crowd succeeded in breaking in and rescuing all the prisoners.

The new Assembly of February 1746 sympathized with the rioters. In his opening address to the legislature, Governor Morris thundered that the riots were virtually "high treason" and "likely to end in rebellion." Morris called for severe measures to quell the "revolution." Morris and the proprietors introduced in the Council an amazing bill, modeled on an English law of 1715, providing that if twelve or more persons should meet and refuse to disperse if so ordered by a government official, they would then be declared felons and be summarily put to death.

The confrontation between the two forces continued to mount. The rebels presented a petition to the legislature, citing their Indian titles and calling for a stay of all judicial processes against them, while proprietor Samuel Nevill denounced the petition as infringing the Crown's prerogative and its sovereignty over the soil of New Jersey. In a sense, Nevill was correct. The opposing libertarian theory of land ownership, espoused by the squatters, was eloquently set forth by a sympathizer in a New York newspaper. Going beyond Roger Williams' simple theory of Indian ownership to what was essentially the John Locke labor theory of original landed property, the writer declared that, although the earth "was made for equal use of all, it may nevertheless be

*Morris was the first to be royal governor of New Jersey alone; before him the royal governors were only ancillary to their post as governors of New York.

appropriated by every individual. This is done by the improvement of any part of it lying vacant, which is thereupon distinguished from the great common of nature, and made the property of that man, who bestowed his labor in it; from whom it cannot afterward be taken, without breaking through the rules of natural justice; for thereby he would actually be deprived of the fruits of his industry.”*

At this crucial point, Lewis Morris died. The proprietary still ran the governor's post, however, since acting governor John Hamilton was none other than the president of the East New Jersey Council of Proprietors. Hamilton demanded a bill to suppress the rioters, but the Assembly paid no heed to his request. Instead, rioting spread during the summer throughout the province, and especially in Hunterdon County. The Assembly also refused to raise troops for war with France; John Low, Essex representative and a riot leader, pointing out that the armed force would soon be employed to suppress the riots at home. Threats of assassination were again made against Samuel Nevill, and the Somerset County jail was broken open by a mob and several prisoners released. Rioting was rapidly merging into open revolution. Governor Hamilton responded by intensifying the tyranny suffered by the settlers and the rest of the populace. Thus, he ordered the sheriff to arrest any tumultuous assembly and to keep them in jail until trial. And Robert Hunter Morris vainly asked the Crown to send troops from England to suppress the tenant rebellion.

In the spring of 1747 the successful rioters intensified their rebellion and began to assume the offensive. In Morris County, they began driving proprietors from their homes. In the spring Assembly, Hamilton admitted that the attempts at suppression had only succeeded in redoubling the rioting. Here was another example in history of the near impossibility of a government, relying only on its own resources, suppressing a popular revolution. The Assembly again ignored Hamilton's threat to import counterrevolution by bringing in British troops. As the Assembly adjourned, the encouraged rioters broke into even more widespread rebellion, expecting that ultimately the king would be pressured into getting rid of the problem by granting the settlers their lands. In July, one of the most serious of the riots broke out in Perth Amboy, the main center of the resident Eastern proprietors. John Bainbridge, Jr., had been arrested for taking part in the Somerset County outbreak and was imprisoned in Perth Amboy jail. At this point, a rescue party of 150, armed with clubs and led by Edmund Bainbridge, Simon Wyckoff, and Amos Roberts, appeared at the courthouse, knocked down the sheriff and the mayor, broke open the jail, and jubilantly rode off with the prisoner.

The government called a grand jury for Middlesex County and Judge Samuel Nevill, one of the leading proprietors, charged the jury to indict

*The Reverend Daniel Taylor of Newark also wrote a *Brief Vindication of the Purchasers Against the Proprietors*, taking a similar view.

twenty of the rioters for high treason. The jury, however, "would hardly indict them for a riot."

Within the midst of this revolutionary atmosphere, Jonathan Belcher assumed the post of governor. Belcher, a professional royal bureaucrat who had been governor of Massachusetts for a dozen years, could be expected, as a native of Massachusetts, to be unsympathetic to quitrents and feudal proprietorships. While sympathetic to the liberal position, Belcher denounced the rioters, who effected another dramatic jail rescue in Essex County soon after the governor assumed office. But Belcher's momentary annoyance did not push him into a reactionary program; instead, he spoke in kindly fashion to a delegation of the rebels.

The Assembly was under firm control of the liberals, while the Council had been packed with proprietary appointees. The Council repeatedly urged harsh suppression of the rioters, and the proprietors called for making rioting a crime of high treason. The Assembly, while refusing to take such measures, was in an uncomfortable position; while liberal on the land question, it was too moderate and cautious to be radical or principled on the issue. When the radical rebels, after effecting a jail rescue in Hunterdon County in the autumn of 1747, proposed a great open march on the government in Burlington to demand defense against the depredations of the proprietors, the frightened Assembly joined the Council in denouncing such a march as an insult and contempt of the laws. Chagrined at this desertion by the supposedly sympathetic Assembly, the rebel settlers canceled the march. Indeed, the middle-of-the-road Assembly agreed to pass a very mild bill to suppress the riots—but without funds to enforce it—in exchange for a government pardon for all recanting rioters.

The rebels were now faced with a situation all too common to revolutionary movements throughout history: they could easily defend themselves from their enemies, but not from their friends. Once again, a revolution confronted a betrayal by its supposed leaders. If the rebels were to submit to the amnesty, they would lose their essential revolutionary momentum. Two hundred rebels prepared to ask forgiveness before the Essex County court, but their leader, Amos Roberts, managed to persuade them by his eloquence to stand fast. As a result, only twenty-three rebels took advantage of the proffered pardon. The stunned leader of the proprietors, James Alexander, proposed that the Council alone, if necessary, pass a law declaring that all nonrepentant rebels be summarily convicted of all crimes for which they stood indicted. A fantastic breach indeed of Anglo-Saxon legal procedures!

Belcher blandly refrained from suppressing the rebels, who continued to chop down timber allegedly belonging to his proprietary. Finally, however, in the fall of 1748, the weak and uncertain Belcher allowed himself to be pressured into arresting the great rebel leader Amos Roberts for high treason. Here, indeed, was a direct challenge to the power of the revolution. The same evening a mob gathered at the Newark jail, shunted the deputy sheriff aside,

and freed the imprisoned Roberts. Belcher then asked the Assembly to curb this "sort of open rebellion" against the Crown.

The rebels increasingly justified themselves on the squatter-and-Indian grant theory, thus alienating the wealthier and more respectable Nicolls patentees, who, after all, depended for their theoretical argument on earlier, though less arbitrary, grants from the Crown. The great armed rebellion reached its height in the autumn of 1748 and spread into the proprietary timberlands of Pennsylvania. As one councillor of New Jersey exclaimed in horror: "All laws are laughed at and disregarded, and they with force cut, carry and transport timber in the face of the magistrates and defy them . . ."

Amos Roberts now headed a virtual people's government in competition with the official one. He divided his domain into three wards, established courts to settle disputes, and elected militia officers. The oligarchy asserted that Roberts had also appointed assessors and collectors to obtain taxes, but the rebels themselves indignantly denied this claim—apparently they thought tax collecting a rather reprehensible act. The fervor and determination of the radical-liberal revolutionaries performed the function of pushing the vacillating Belcher and the Assembly into line. Headed by a leading rioter, Assemblyman John Low, the Assembly voted overwhelmingly to do nothing to suppress the rebels, and Belcher began to listen sympathetically to the arguments of the rebel John Bainbridge. Belcher was also helped to his new position by the threat of an Assembly leader that he would never receive a penny's salary if he complained to the Crown against the rebels. The Council, stronghold of the proprietary oligarchs, then itself petitioned the king, which petition included a criticism of Belcher's actions.

The timorous opportunist Belcher, ever ready to bow to the winds of pressure, now hastened to urge the Assembly to vote money to protect the jails, and threatened that, should there be any further riots, he would call in troops from another colony and set up a military dictatorship. The Assembly kept its head, even in response to his presumptuous demand, and declared the colony much too poor to afford more taxes to protect the jails. It blandly suggested an extension of the amnesty offer to the rebels. Belcher's reaction was a letter to the king, but very weakly done and not sent in collaboration with the Council.

The British government, however, was coming into different hands, and by spring 1749 was beginning to pursue a much more energetically imperialistic policy toward the colonies. The Board of Trade was under new control; more important, the minister of foreign affairs in charge of the colonies was now no longer the Duke of Newcastle. Heading colonial policy as secretary of state for the Southern Department, from 1724 to 1748, Newcastle had been charmingly lax and had left the colonies more or less alone. But now Newcastle was succeeded by an energetic imperialist, the Duke of Bedford, who scorned Belcher and sided wholly with the feudal proprietors.

In this auspicious atmosphere for counterrevolution, Chief Justice Robert

Hunter Morris sailed to London to plead the proprietary cause. The Board of Trade's report to the Privy Council was virtually copied from Morris' account. But Belcher's representations managed to mollify the board; its final recommendations in the summer of 1751 merely suggested an impartial investigating commission, a reprimand to the Assembly, and an extended amnesty. Belcher and the Assembly were greatly relieved, especially since the board had been on the point of doing something drastic: freeing the New Jersey governor from salary paid by the Assembly, or reuniting New Jersey with New York, or sending in British or New York troops to quell the rioters. Meanwhile, the riots themselves had died down as the leaders had fled the colony to escape the expected royal reprisals.

Governor Belcher, however, was getting into dire financial straits; continual conflict between Assembly and Council had blocked the legislature from voting him any salary. The Assembly shrewdly decided to gain Belcher's support and strike a stunning blow at the proprietary at the same time, by voting to raise funds through a tax on unimproved lands. This, of course, would hit precisely at the arbitrary monopoly of unsettled lands in the hands of the proprietors. The Assembly tried to get Belcher to sign the bill and simply ignore defeat in the Council, but Belcher, though sympathetic, could not take such a revolutionary step.

By the 1752 session, no taxes had been paid in New Jersey for sixteen years and the treasury was empty and the government heavily in debt. The Assembly then decided to levy a tax on all land, including the unimproved, and on this more moderate bill the Council and Assembly compromised and agreed. The year 1752 also saw the resolution of New Jersey's great land conflict. With the Crown out of the picture, the rebels began to take action again—and effected a jail rescue in April. The Crown having, in effect, decided against them, the proprietors decided to let well enough alone, to be content with their unsettled lands, and not to stir up revolutionary ferment. Furthermore, their Chancery suit would be decided by Belcher, who would undoubtedly find for the tenants. The proprietors then decided to drop the whole matter; the great counterrevolutionary attempt to impose feudal overlordship on settlers of the land in New Jersey had finally collapsed. The rebels and the Assembly by their determined pressure, combined with the partial assistance of the governor, had finally triumphed.

10

The Ulster Scots

Pennsylvania, during the first half of the eighteenth century, was the focal center for a great wave of non-English immigration into the American colonies. The American colonies grew with great rapidity: the total population rising from 250,000 in 1700 to almost 1,200,000 in 1750, an almost fivefold increase. Of this rise, the bulk was caused by immigration, and the great part of this migration came from two non-English groups: the Ulster Scots (called the "Scotch-Irish") and the Germans. The major part of them settled in Pennsylvania.

If the total population grew fivefold between 1700 and 1750, Massachusetts and New York populations rose scarcely more than three times, the latter's meager growth reflecting its restrictive land policy. In contrast, the population of Pennsylvania, the newest colony in 1700, rose from 18,000 to 120,000 in this period, a remarkable increase of nearly sevenfold. Pennsylvania was now more populous than Connecticut and considerably more than New York. This influx led to an accelerated swamping of the original Quaker element of Pennsylvania and to increasing tension between the newcomers and the Quakers. By the end of the colonial era, Pennsylvania was approximately one-third German and one-third Ulster Scot.

The Ulster Scots were the largest immigrant group in the eighteenth century. These men were, in the main, intense Presbyterians from lowland Scotland whose families had been settled in Ulster in northern Ireland during the seventeenth century. By the turn of the eighteenth century, England began to oppress the Ulstermen: a woolen act gravely crippled the export trade of Ulster weavers, a test act disenfranchised the Presbyterians, and tenants were especially oppressed and rackrented by absentee feudal English landlords.

The first great wave of Ulster Scot immigration came after the agricultural failures of 1716–17, and further great waves came in the late 1720s, the early 1740s, and the mid-1750s. By 1776, a quarter of a million Scots had come to America from Ulster.

The Ulster Scots flooded into Pennsylvania, where newcomers were particularly welcomed, and generally found their way to the western frontier, at that time in southeast Pennsylvania. The bulk of the Scots, being poor, came to America as indentured servants, and after their term of servitude had ended, received the customary allowance of land as an incongruous form of compensation. Most of the Ulster Scots thus became small farmers or squatters in such areas as the Susquehanna and Cumberland valleys. Eventually, many filtered southward down the Shenandoah Valley to become backwoods frontiersmen in Virginia and Piedmont farmers in the Carolinas. Quite a few Scots, however—mainly those from Scotland itself—became businessmen and tobacco warehousemen in Virginia and Maryland. Some Jacobite Highlanders also came to America after the unsuccessful Stuart rebellions of 1715 and 1745, but these too were Presbyterians rather than Roman Catholics.

The brawling, hard-drinking Scot frontiersmen, though often fur traders with the Indians, adopted a violent, aggressive, and contemptuous course toward the natives, and tended to drive them out of their lands. This attitude brought them into sharp conflict with the pacific Quakers, concerned with justice toward the Indians. It must be recognized, however, that the bulk of Indian-claimed land was not settled and transformed by the Indians, and that, therefore, the Scots were at least justified in ignoring vague, abstract claims, whether by government or by Indian tribes, to the lands they knew that *they* were settling.

Many of the Ulster Scots were squatters on frontier land. Lacking money to pay the prices asked by the feudal proprietary, they reasoned that they were entitled to own virgin land that they themselves had cleared and tilled. They needed no acquaintance with John Locke to sense that such land was their rightful property. The Pennsylvania government tried for a long while to collect quitrents and purchase payments from the squatters, but to little avail. Several times, provincial secretary Richard Peters tried to dispossess squatters by arriving with a party of officials to burn down the cabins of the settlers, only to have the squatters rebuild the cabins and farm the land again after they had gone. At other times, the squatters fought back against government aggression.

By the mid-eighteenth century, the Ulster Scots dominated the Shenandoah Valley of Virginia and the upcountry Piedmont farm region of North Carolina and South Carolina. The valley settlers, remote at first from the seat of government authority at Williamsburg, developed their own customary law of settlement, which granted original property rights to land on the basis of certain marks of settlement. These marks conferring ownership included "corn

right" and "taking up land," earned by planting crops and building a home; "tomahawk right," earned by clearing a few trees; and "cabin right," gained by building a log cabin. These were rough criteria usually overly generous to the individual settlers, but the system was an instructive example of rough justice emerging from customary law, developed solely by the voluntary actions of the people and without the imposition of statute or decree of the state.

It might have been expected that the Ulster Scots would choose to settle in Calvinist New England, which was closest to them in religious conviction. But subtle religious differences meant a great deal to the Puritans, and they made the Presbyterians decidedly unwelcome. Indeed, one of the first groups of Ulster immigrants, several hundred strong, arrived at Boston in 1718 to face a decidedly hostile reception. Most were shunted off to Maine and ended in New Hampshire. One group settled in the frontier town of Worcester, Massachusetts, but was promptly persecuted by the Puritans there. They were coerced into merging their Presbyterian church into the Puritan church and found themselves forced to pay tithes to support their persecutors. To the Presbyterians' petition for relief from the tax, the Worcester township denied their right to independence from the established Puritan church. When the Scots began to build their own church, the Puritans destroyed the building. The hapless Scots were thus forced to move to the more remote western frontier and there founded settlements at Warren and Blandford.

Religious hatred was bolstered by ethnic feeling against the "foreign" Scotch-Irish and by the fear of economic competition. Bostonians also did not want their taxes to be raised to pay for expected welfare and poor relief for an influx of Ulstermen. This was understandable, but it was characteristic that the Bostonians blamed the Ulstermen instead of their own law, which provided for an escalating drain on the taxpayers for payments to any poor resident. All these factors caused a mob to form in 1729 to prevent a landing of Ulster Scots, and many migrants were prevented from landing or remaining during the next decade.

The story was the same in Connecticut. Of the original Boston group of Ulster Scots one part settled in Voluntown (now Sterling) in northeastern Connecticut. There the Scots were confronted by an official remonstrance of the town council when they obtained their first Presbyterian minister, "because he is a stranger, and we are informed that he came out of Ireland . . . and we are informed that the Irish are not wholesome inhabitants."

New England hostility to Presbyterian newcomers was, moreover, not overcome by any great need for more indentured servants. By the eighteenth century, the greatest need for more forced labor was on large farms and plantations, and aside from the Narragansett Country there were few such opportunities in New England—in contrast to the Middle Atlantic and Southern colonies. As a consequence, religious and ethnic hostility could reign un-

bridled, and therefore few Ulstermen settled in New England. Instead, they chose Pennsylvania, the great haven of religious freedom and of separation of church and state. As for the other Middle Atlantic colonies, New York, with its feudal land structure, was singularly unattractive to would-be farmers. Furthermore, while there were many English Presbyterians on Long Island, the persecution of the revered elder statesman of Presbyterianism, the Reverend Francis Makemie, an Ulster Scot, by Lord Cornbury, did not endear New York to the Ulstermen. In late 1706, Lord Cornbury, royal governor of New York, arrested and imprisoned Makemie for allegedly preaching without a license. Though Makemie was eventually acquitted, he was compelled to pay the costs of his prosecution and was imprisoned a long time before trial. Furthermore, the ordeal hastened Makemie's death.

Delaware, to be sure, contained numerous English and Welsh Presbyterians, but tiny Delaware was already pretty thoroughly settled, and there was little good virgin land available. New Jersey was also heavily Presbyterian, but these Presbyterians were either from England or from Scotland proper, including Highlanders escaping after the Jacobite rebellion of 1745. Here again, there was little need for indentured servants.

11

The Pennsylvania Germans

The other great group of immigrants who concentrated in Pennsylvania were the Germans. In contrast to the earlier German migration of Quakers and other pietist sects, the mid-eighteenth-century German influx was either Lutheran or Reformed (Calvinist). These people came to America to escape feudalism, exorbitant taxes, and the pillaging endemic in wartime. The German migration began around 1720, started in earnest in the late 1730s, and reached its peak in the early 1750s, ending rather abruptly with the French and Indian War of the late 50s. By the end of the colonial era, one-third of the Pennsylvanians were Germans, or "Dutch" as they were often called. The Germans followed the same route as the Ulster Scots, westward down the Susquehanna and Cumberland valleys. They too were valley farmers, and German and Scotch-Irish settlements alternated down the valley route. The two groups had very little contact with each other: their differences were too great—in language, religion, and character. Not only did the Germans keep to themselves; they were also sober, hard-working, thrifty and highly productive farmers. They treated the Indians justly and peacefully.

The Germans, then, followed the great valley route, down the Shenandoah and into the Carolina Piedmont, where they founded such settlements as Orangeburg, South Carolina—but to a much lesser degree than did the Ulster Scots. The Germans were largely content to remain in Pennsylvania, especially in Lancaster County, where they could work their farms productively and profitably. In addition to being superb farmers, the Germans proved highly adept at establishing glass factories and ironworks. The Germans produced the first iron stoves and long rifles in America, as well as the first Conestoga wagons.

While the great bulk of Pennsylvania Germans were Lutherans or Reformed, a small but influential group of Moravians, or United Brethren, a pacifist pietist sect, came to Pennsylvania in the 1740s. Founding such towns as Bethlehem and Nazareth, the Moravians furnished many missionaries to the Indians, as well as virtually introducing choral music and establishing numerous schools and ladies' seminaries in Pennsylvania.

The mid-eighteenth century, indeed, saw a considerable expansion of higher education in America. The Southern gentlemen had William and Mary College, the liberal Puritans had Harvard, and the rigidly orthodox, Yale. Now several influential new colleges were founded in the colonies. The Presbyterians founded the College of New Jersey (now Princeton) in 1746. Although Princeton was founded by English and mainland Scots rather than by Ulstermen, the college provided the indispensable source for training new ministers for the Scotch-Irish and for educating their leading citizens. In Philadelphia, the Reverend William Smith and Benjamin Franklin organized in 1755 a new liberal nonsectarian college, the Academy, which later became the University of Pennsylvania. And in New York City, King's College (later Columbia) was founded in 1754. Organized by Anglicans, it nonetheless included on its board men of various religious persuasions, and hence soon emerged as a liberal and secular institution.

Pennsylvania: Quakers and Indians

By the beginning of the eighteenth century, the original, purely individualist Quaker principles had been modified by the proprietor of Pennsylvania, William Penn, and by the ruling proprietary party headed by Pennsylvania's agent, James Logan. The libertarian Quaker opposition continued to be strong, however, and was led by David Lloyd, many times Speaker of the Assembly. Lloyd led the struggle against feudal quitrents, against attempts to aid wars and to impose increased taxation, and against a proprietary veto or the power of the governor to dissolve the Assembly.

William Penn died in 1718, in a period of confusion and tumult over the inheritance of the proprietorship. These disputes were settled by the late 1720s with Penn's younger son assuming the proprietorship. But when Thomas Penn succeeded to the proprietorship in 1746, rule over Pennsylvania passed out of Quaker hands. For Thomas Penn and his heirs had left the Quaker fold to become Anglicans, and after Logan's death the proprietary agent of Pennsylvania was an Anglican, the Reverend Richard Peters. With the proprietorship no longer Quaker, the Quakers tended to unite against the proprietary and to recover some of the purity of their principles.

Even when modified, Quaker principles were radical enough to be unique in the colonies. Nowhere was this uniqueness more outstanding than in military affairs and in their treatment of the Indians. William Penn had from the beginning set the pattern of peace and justice to the Indians, and scrupulously purchased Indian land claims even when the claims themselves were dubious. Pursuing a policy of peace, incomprehensible to most of the other colonists, who were generally conscienceless in slaughtering the Indians, the Quakers of Pennsylvania built no forts, established no militia, and hired no

scouts and Indian fighters. And by *pursuing* a policy of peace and no armaments, they found, *mirabile dictu*, that they had nothing to fear. They had earned and gained the lasting respect of the Indians, and fair play met with fair play in its turn. As in New Jersey, where Quakers were influential in shaping Indian policy, there was no Indian war in the history of the colony so long as the Quakers ruled.

The non-Quaker historian Herbert L. Osgood, paid high and eloquent tribute to Quaker policy:

[The Quakers] would not make their religion, though Christian and Protestant, a cause for war with either the heathen or the Catholic. It is true that they based their views on literal reading of scripture texts . . . but beneath this procedure lay a true consciousness of the essentials of humanity which transcended all differences of color, race, nation, or creed. Quakers shared in the movement westward . . . so far as was a necessary consequence of the growth of population. But with the artificial stimulation of these tendencies by military and commercial exploitation, accompanied with the partial or complete destruction of native peoples, they had no sympathy. . . . to the great majority of people in their time, this attitude seemed perverse and purely obstructionist. But for the modern man it appears worthy of all honor as a dim foreshadowing of what human relations should everywhere be.*

But as the eighteenth century wore on, the Quakers began to lose control of Pennsylvania policy. We have seen the Ulster Scot propensity for indiscriminate land grab and savagery toward the Indians. Furthermore, the new Anglican proprietary was not interested in peace or fair dealing. In 1737, for example, the proprietors engaged in chicanery in extending a tract bought from the Delaware Indians in Bucks County at the junction of the Delaware and Lehigh rivers ("the walking purchase"). The government then proceeded to insist that the Indians leave the land they had settled, but the Quaker-dominated Assembly refused to vote funds to allow enforcement of this outrageous demand. But most serious was the eagerness of the proprietary party to participate in the English aggression against the French and their Indian allies on the other side of the Appalachians. For the French had explored and occupied the Mississippi River and the Ohio Valley east of the Appalachians. Now this extensive territory seemed ripe for the grabbing.

In 1739, England broke a quarter-century of European peace by going to war with Spain, and then escalated the war to include France. The Penns and their appointed governor, George Thomas, were eager to enter the fray. Thomas urged the legislature to appropriate money for "defense"—the age-old verbiage of the aggressor. The Assembly replied that the royal charter of Pennsylvania permanently guaranteed freedom of conscience. A cardinal point of the Quaker creed, they pointed out, was to be "principled against bearing

*Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (Worcester, Mass.: Peter Smith, 1958), 4: 49.

arms in any case whatsoever." Therefore, forcing them to fight would constitute persecution of the Quakers. As for non-Quakers, it would obviously be unjust to conscript them for war while exempting Quakers; therefore, *all* militia service should be voluntary.

Governor Thomas replied with three arguments: (1) the futility of voluntary defense—that is, presumably people were not as eager to defend themselves as Thomas and the militarists were to "defend" them; (2) were not the Quakers interested in fighting the "bloody religion of France and Spain" (Catholicism)? (3) why would the Quakers not hesitate to kill a burglar, and yet not defend themselves against an invading army? To the last point, the Assembly trenchantly replied that the burglar was committing a conscious wrong, whereas the soldiers in an army probably did not know that they were acting as criminals. They also properly deprecated any supposed threat of French invasion, noting that the English colonists overwhelmingly outnumbered the French. The governor ended the discussion by charging that Quaker principles were incompatible with government itself, and urged on the proprietary that Quakers be made ineligible for public office. In this he was, in effect, joined by James Logan, ever ready to bend Quaker principles to the proprietary interests. Logan urged the Quakers to resign from the Assembly.

The Assembly cause was led by Speaker John Kinsey, who was also the attorney general of the province; the Quakers were supported by the Germans, who agreed with the Quaker policy of peace and fair-dealing with the Indians. Other Quaker leaders in the Assembly were Isaac Norris and Israel Pemberton. John Conrad Weiser, the expansionist German-born adviser to Governor Thomas on Indian affairs, rebuked his fellow Germans for their propeace policy, but to no avail. The Assembly also effectively used the tactic of withholding the governor's salary to win their points.

Passions intensified in this conflict between proprietary and Assembly. In the fall elections of 1742 a riot broke out in Philadelphia, where a goon squad of anti-Quaker sailors raided the polls. Despite the deliberate failure of the pro-Thomas magistrates to suppress this criminality, the Quakers won both at the polls and in the streets, staunchly backed by their German allies.

Unfortunately, the Assembly did not stick completely to its principles. While consistently refusing to vote funds for a militia or for direct military purposes during the War of the Austrian Succession (known in America as King George's War) with France in the 1740s, the Assembly repeatedly evaded the issue by voting funds "for the King's Use," which funds the Crown could and did use for war. The Quakers did try to assuage their rather elastic consciences by rationalizing that they had not explicitly voted funds for war, and that warlike use was decided by the Crown—the same flimsy argument that the Logan party had used during Queen Anne's War earlier in the century. At one point New England asked Pennsylvania for money to buy gunpowder for an aggressive assault on the French fort of Louisbourg on Cape Breton Island

(Nova Scotia). The Assembly, urged to grant the money by Governor Thomas, slyly assuaged their consciences by voting a grant to New England of the large sum of 3,000 pounds. The funds were to be spent by Thomas on "bread, flour, wheat, *or other grains*" and it was well understood in the colony that "other grains" meant nothing less than gunpowder.

In the meanwhile, Pennsylvania was storing up further trouble with the Delaware Indians by completing the brutal eviction of the Delawares from their lands in upper Bucks County. After having used fraud to claim the "walking purchase," and having been thwarted by the Quaker Assembly in imposing eviction of the Indians, the Pennsylvania government turned to the aggressive overlords of the Delawares, the Iroquois—the long-term allies of the English. At a conference in Philadelphia in 1742, the Iroquois agreed in return for bribes to recognize the English purchase of Delaware Indian land. The lordly Iroquois chieftain not only ordered the Delawares off their own settled land, but also reviled these Indians, calling them "women," and asserted that they had no right to sell their own land without consulting their overlords. The Pennsylvania government was happy to make all future land "purchases" from an Iroquois tribe that had no connection with and no personal commitment in work and energy to the land. The Delawares complied with the order, storing great bitterness in their hearts.

One of the most enthusiastic participants in King George's War against the French was George Croghan, an Ulster Scot Indian trader in Pennsylvania. Like John Conrad Weiser, also an Indian trader, the swindling, nearly illiterate Croghan had a direct economic interest in liquidating his French competitors in the Indian trade. Penetrating beyond the Appalachians into the French territory of the Ohio Valley, Croghan stirred up the Indians to massacre his French competition. Beginning by murdering five French traders at Sandusky, the Croghan-directed Indians burned French settlements during 1747 and murdered traders throughout the Ohio Valley. A fellow English trader well summed up Croghan's activities: "Croghan . . . had at all times persuaded the Indians to destroy the French . . . by the presents he had made them . . . that self-interest was his sole motive in everything he did, that his views were to engross the old trade and to scare the French from dealing with the Indians." Croghan, delighted with his Indians, sent a scalp of one of the murdered Frenchmen to Governor Thomas, and boasted that the Indians would soon seize the French port of Detroit. This hope proved vain, but Weiser and Croghan persuaded the Pennsylvania government to grant a 400-pound reward to the pillaging Indians—a gift hardly in line with Quaker principles.

It is no wonder that by the end of King George's War in 1748, George Croghan had emerged as by far the largest Indian trader in Ohio and was commonly called "the king of the traders." To keep these Indian allies, Croghan led the proprietors in forcibly driving the squatters off their lands. So enthusiastic was Croghan in going about his task that Thomas Penn was

moved to applaud Croghan. The proprietor's agent commended the Reverend Mr. Peters, in overall command of the operation, for executing the job with a "hussar spirit, nothing [but] which will do with these people."

Hardly had the war with France ended when Croghan and Thomas Penn each came to the conclusion that a government fort should be built in French territory on the Ohio River. Penn had power designs on the valley while Croghan was worried not so much about French trade as about the Ohio Company, a speculative land company to which Virginia had arbitrarily granted a huge amount of land and which stood to profit by any settling in this region. Such settlement would have ended Croghan's opportunities for trade with the Indians. Typically, Croghan lied repeatedly to the Pennsylvania authorities, asserting that the Indians were demanding such a fort of the English. But while the Quaker Assembly was perfectly willing to supply Croghan with bribes for the Indians, they were still reluctant to build a fort. Thomas Penn and his officials were almost able to drive the fort through the Assembly in the fall of 1751; then, at the last minute, Croghan's misrepresentations were publicly and dramatically revealed, and the project fell through. Quakers in the colony, slowly but surely dwindling in devotion to their principles, were saved despite themselves for a while longer. And Pennsylvania was stopped from aggression in France's Ohio Valley.

Shorn of government favor, Croghan's trade was left dependent on his own business acumen, which was hardly extensive. Overloaded in debt and swindling his partners and creditors to the end, Croghan became insolvent shortly after his disgrace and the defeat of the fort bill.

Despite its evasions and compromises, the Quaker Assembly managed to avoid direct armed participation in King George's War. The colony came closest in 1747, the last full year of the war. Delaware, the non-Quaker sister colony under the proprietary of the Penn family, had gladdened the rulers by voting for a militia and a fund for participation in the war effort. It was repaid by a raid, during July, by a small landing party near Lewes from a few French and Spanish privateers. The landing party plundered a few farms. Its strength and the damage done were negligible, but hysteria began to sweep Philadelphia, an hysteria carefully fostered and abetted by the war party constituting the ruling executive oligarchy. Rumors of a feared Spanish expedition from Havana circulated throughout the colony. The Council suggested arms for the colony, as well as aid to Indians in New York. The Assembly, however, kept its head in the midst of the war hysteria, and coolly and properly disparaged the supposed threat from the sea. It also trenchantly pointed out that since the time aggression against Canada had been suspended, there had been little threat to worry about from Indians in the North. The Assembly concluded by pointing to the money they had saved the people of Pennsylvania by refraining from appropriating funds for other alleged threats in the past.

13

The Emergence of Benjamin Franklin

At this point there entered the scene a man whose historical reputation is perhaps the most overinflated of the entire colonial period in America: Benjamin Franklin. Franklin, a printer from Philadelphia, a writer, inventor, and clerk of the Assembly, decided to circumvent the Assembly's refusal to establish a militia by creating one himself. He began his campaign by publishing a pamphlet, *Plain Truth* (1747), which proved highly influential in whipping up war hysteria. He painted the menace and horrors of armed invasion in lurid colors, and demagogically appealed to the supposed fighting qualities of each ethnic group in the colony. Alarmist rumors were spread of a supposed enemy attack in the spring of 1748. In the midst of this fervid atmosphere, Franklin launched a voluntary militia "association," which quickly gained over 10,000 adherents in the colony. The men formed themselves into companies and regiments and elected their own officers. Franklin then used a lottery to finance this private army, and used the funds to purchase cannons.

While voluntarily financed, Franklin's association was not truly private, for Franklin worked hand in hand with the delighted proprietary administration. Reverend Mr. Peters wrote to Thomas Penn that the association movement was in the interests of the proprietary and would be a means of escaping from Quaker control of the province. Penn, however, disagreed and declared that establishing an army outside the government apparatus virtually constituted treason. Besides, Penn had that instinctive bitter distrust of the bureaucrat and ruler, of *any* mass action of the people undirected by the state—for the very precedent of such action could some day redound against the state itself. But Peters as well as the Council hastened to assure Penn that the association was really a governmental body, taking orders from them, and that they were

in complete control of the appointment of officers, and of all the orders directed to them. Apprised of these facts, Penn relented and expressed his warm approval of the institution as a necessity of the time.

Franklin displayed his cunning in the affair by having a fast day proclaimed in honor of the association, in order to bring the clergy and God in on the side of the scheme. As Franklin himself boasted in his autobiography: "Calling in the aid of religion, I proposed to them (the Governor and Council) the proclaiming a fast to . . . implore the blessing of heaven on our undertaking. . . . This gave the clergy of the different sects an opportunity of influencing their congregation to join in the association, and it will probably have been general among all but Quakers if the peace had not soon intervened."

Indeed, peace "intervened," and disproved all the nonsensical claims and fears perpetrated by Franklin and the ruling war party. The Quakers emerged from the war more honored and entrenched than ever; they needed to retain only their unity and principle to continue the peace policy. As we shall soon see, however, this proved impossible, and a good part of the responsibility for the collapse of Quaker peace principles belongs to Benjamin Franklin.

Franklin was, indeed, a man of many and versatile attainments, but he lived, it must be remembered, in a versatile and unspecialized age when learned men were familiar with most of the ranges of human thought. Moreover, he was the opportunist par excellence; amidst all the uncritical adulation for Franklin, probably Professor Joseph Dorfman has given the most just estimate: "In an age where great flexibility of mind and action was called for, he [Franklin] was without peer in moving with the course of events. His inconsistencies were many, but they were the inevitable accompaniments of his diverse loyalties and his journalistic habits."*

Benjamin Franklin, the son of a Boston artisan, made his way to Philadelphia to work as a printer, setting up his own business in 1728, at the age of twenty-two. Characteristic of Franklin—the popular and inveterate spouter of copybook maxims—was the way he repaid the venerable Andrew Bradford, Pennsylvania's first printer, and his son William, who had befriended the young Franklin and had gotten him his first job as a printer. Anxious to obtain the highly lucrative patronage of being public printer, and seeing that Bradford had printed an Assembly address containing some errors, Franklin quickly prepared a correct printing and sent a copy to every member of the Assembly. He was soon able to take the public printing business away from Bradford.

Franklin was able to develop a lucrative printing business at so young an age largely by keeping an eye to the main chance—that is, through an ability to win a favored place at the public trough by gaining the patronage of older

*Joseph Dorfman, *The Economic Mind in American Civilization* (New York: Viking Press, 1946), 1: 178.

and influential men. Hardly had Franklin launched his business when he was able to snag several highly profitable plums of government privilege. The first and most important was his securing of the vital public printing business—won away not simply by the above device, but primarily by the influence of the venerable lawyer Andrew Hamilton, an extremely powerful member of the Assembly whose son was soon to be governor of the colony. Hamilton had taken a liking to young Franklin and continued to lavish patronage upon him until his death.

The second coup centered on paper money. In 1729, the question arose whether or not Pennsylvania should print another large issue of paper money. Franklin, spurred by the lucrative prize of the contract for printing the new money, wrote an anonymous pamphlet (*A Modest Inquiry into the Nature and Necessity of a Paper Currency*) that trumpeted the cause of paper money, and played an important role in driving the scheme through the Assembly. Let Franklin tell the happy ending to the story: "My friends there [in the Assembly] who conceived I had been of some service, thought fit to reward me by employing me in printing the money; a very profitable job and a great help to me." *Some* service indeed received its due reward; but whether this service was virtue is another matter. Hamilton followed this handsome subsidy by securing to his protégé the public printing work in Delaware and its printing of paper money.

With this enormous advantage, Franklin could soon expand his business. And more privilege was soon to come his way. In 1736 he was chosen clerk of the Pennsylvania Assembly, a highly important post that Franklin could use as a springboard to secure the privileges of his other governmental business. As Franklin later candidly admitted: "Besides the pay for the immediate service as Clerk, the place gave me a better opportunity of keeping up an interest among the members, which secured to me the business of printing the votes, laws, paper money, and other occasional jobs for the public, that on the whole were very profitable."

Franklin lets us in on some of the ways in which he was able to attract patronage. When opposed as clerk by one of the members of the Assembly, Franklin took the trouble to borrow a rare book of the assemblyman's and quickly to write him a note of profuse thanks. He proudly paints the copy-book lesson in his autobiography that this incident "shows how much more profitable it is prudently to remove than to resent, return and continue inimicable proceedings," and notes how this confirms the old maxim, "He that has once done you a kindness will be more ready to do you another than he whom you yourself have obliged."

The following year young Franklin was further rewarded with the important job of postmaster of Philadelphia, again taken away from Bradford. Here again Franklin notes the post to be of "great advantage; for, though the salary was small, it facilitated the correspondence and improved my news-

paper, increased the numbers demanded, as well as the advertisements to be inserted, so that it came to afford me a considerable income. My old competitor's newspaper declined proportionally. . . ."

With his business success thus assured, Benjamin Franklin had the leisure to turn more attention to public affairs. Here he was helped by the Junto, a club of young men Franklin had founded in 1727. Members of the Junto, formed for philosophical discussion and later transformed into the American Philosophical Society, formed their own clubs and thus the Junto became a center of intellectual life in Philadelphia. Franklin was able to tap the Junto for financial aid and to mobilize it for help in his various public projects.

Franklin's first meddling in public affairs set the model for what was to follow. The police force of Philadelphia was financed by a uniform tax of six shillings a year on each householder; the bulk of the duties of the force were undertaken by householders themselves, serving unpaid, in lieu of tax payment. Franklin decided that it would be better to hire a full-time police bureaucracy and to pay for it by a proportional tax on property. Franklin never bothered to explain why it should be perfectly common and proper for a wealthy man and a poor man to pay the *same* price for every *other* conceivable commodity, but that morality suddenly shifted its answers regarding the service of police protection. Working through his Junto and its numerous front clubs, Franklin was able to change public opinion, and then to win acceptance of a change in the law a few years later.

By the end of the war, Franklin had assumed a leading role in Pennsylvania politics through his association movement. Having accumulated a sufficient fortune as printer and publisher, Franklin turned more zealously to the quest for political power. From being a clerk of the Assembly, Franklin now became an assemblyman. In the Assembly, Franklin continued to push for government intervention in urban affairs; for example, he sponsored a grant-in-aid of 4,000 pounds for constructing a local hospital, conditioned on the hospital's raising a matching sum among the public. His grant-in-aid device enabled Franklin to override the opposition of the country members, who did not relish subsidizing the rich city of Philadelphia by paying for a hospital there. He also drove through a bill providing for governmental paving and lighting of the city's streets.

Franklin added to his power and income by linking himself to the proprietary party in the Assembly and securing its patronage, particularly that of the powerful chief justice, William Allen. In 1753, Allen used his influence to gain Franklin the appointment of joint deputy postmaster general of the colonies, a lucrative post for its own sake and for aiding the circulation of Franklin's newspaper. Franklin had begun to scramble for the post two years before the death of the previous, ailing deputy postmaster general. Chief Justice Allen put up 300 pounds to purchase the post for Franklin.

Despite the fact that peace had hardly yet broken out, Great Britain was

getting ready to strike a mortal blow at the French empire. It began to attack French territory in the Ohio Valley in 1754, and in 1756 the war was made official and generalized into the Seven Years' War, known in America as the French and Indian War. Once again Quaker Pennsylvania was faced with a crucial decision on support of a war—a more important decision since the scale of the new war was far greater.

During the early 1750s, the proprietary party, favoring the war, was led by provincial and proprietary secretary Richard Peters, an Anglican priest; the Reverend William Smith, another Anglican priest; Chief Justice William Allen; and the appointed governor. The proprietary clique was dismayed to find itself in an unpopular minority, and Governor James Hamilton despaired at the general public hatred toward appointed magistrates, whom they understandably regarded as a power above and apart from them. Peters even desired a law disenfranchising the Germans, under the excuse that they were not proficient in English. But so long as the Quakers stood firm and united, a peace policy would prevail.

The Quakers, however, were no longer firm in purpose or principle. We have already noted their tendency to evade principle, for their principles to wither away. Now, as a great new war was brewing, an increasing number of Quakers desired to join the conflict. The Quakers were ripe for a crumbling from internal weakness.

The culminating Quaker crisis began in late 1754, when the newly appointed Governor Robert Hunter Morris, a staunch partisan of the proprietary, openly urged the Assembly to appropriate a huge amount of funds for military purposes; before this, appropriations had been carefully designed to appear nonmilitary. But so far were the Quakers from pacifist purity that they promptly voted to raise the enormous sum of 20,000 pounds "for the King's use," in paper-money issue ultimately repayable from existing taxation. Governor Morris, however, was forced by royal instructions restricting paper-money issue to veto the bill. Morris also blocked a bill for issuing 20,000 pounds of paper money to finance a British military expedition under General Edward Braddock in the Ohio Valley.

Into this situation shrewd Benjamin Franklin now stepped and took a hand. Franklin saw that Quaker devotion to pacifist principle was now largely *pro forma*, and saw also that he could take the leadership of the Quaker party in the Assembly by leading it into a constitutional and political fight against the proprietary. In particular, he could desert the proprietary party on the issue of tax exemption for the proprietors' lands—an issue that became very important as heavy taxes had to be levied for military affairs. By leading a fight by the Quaker Assembly on this issue, Franklin was to become a popular hero while at the same time indirectly but effectively scuttling Quaker opposition to the war effort. Franklin's opportunity came in 1755. In the spring, Massachusetts had asked Pennsylvania for help in financing an expedition

against Canada. Franklin went so far as to write the request, and to push through the Assembly an aid appropriation of 10,000 pounds, thus earning the praise and gratitude of the British Crown."

General Braddock's appropriation, however, had been defeated on the rock of the paper-money dispute. Braddock's disastrous defeat at Fort Duquesne now forced Governor Morris to summon a special session of the Assembly in the summer, to renew a request for aid. Subsequent to Braddock's attack and rout, the Delaware Indians, allied to the French, retaliated by turning on their tormentors, the frontier Scots, as well as against the Pennsylvania government that had driven them off their lands. Pennsylvania was beginning to reap the reward for its aggression against the Delawares. The Scotch-Irish demanded arms and ammunition from the Assembly under virtual threat of mob invasion of Philadelphia. Under this pressure, the Assembly now decided to grant no less than 50,000 pounds, to be raised by a twelve-pence-per-pound and twenty-shilling-per-person tax for two years on all real and personal property in Pennsylvania. Morris, however, was again forced to reject the bill, this time because there was no exemption for the proprietors' estates.

Here was the perfect issue for Franklin to exploit. Now Franklin, carrying the Quakers along with him, could quite cogently berate the proprietary for endangering the war effort by refusing to pay the very taxes that it sought to impose on its subjects. The frame of reference of the debate had been shifted away from problems of pacifism, and indeed of old-fashioned Quaker individualism and opposition to taxation. As Morris shrewdly wrote at the end of 1755: "Franklin has views that they [the Quakers] know nothing of . . . the truth, I believe, is that he is courting them in order to distress you [the proprietary], and, at the same time, leading them into measures that will in the end deprive them of any share in the administration."*

At the end of the year, Franklin reintroduced a war-fund bill, of 60,000 pounds, to be issued in paper money and redeemed in property taxes, with no exemption for Penn's property. A group of principled Quakers rallied to protest the measure as "inconsistent with peaceable testimony," but they could muster only seven dissenting votes against passage in the Assembly. Franklin's purposes were greatly aided by the renegacy of the Quaker Speaker, Isaac Norris, who had completely abandoned the peace policy. The purists in the Assembly were led by James Pemberton, brother of the beloved "king of the Quakers," the prominent merchant Israel Pemberton. Apart from this handful, the Quakers had been taken into camp. Eventually, when Norris again objected, Franklin had the bill repassed without taxing the proprietary. However, the Crown was now stimulated to force the proprietor to contribute 5,000 pounds "voluntarily" to the Pennsylvania war effort. This "gift," nevertheless, was highly dubious, as it was to come from the arrears in largely

*Quoted in John J. Zimmerman, "Benjamin Franklin and the Quaker Party, 1755-1756," *William and Mary Quarterly* (1960): 305.

uncollectible quitrents. The upshot was that the Quakers had agreed to a large war budget without even gaining the principle of taxing the proprietary itself. Hearing also that hundreds of violent Scots frontiersmen were marching on Philadelphia, the Assembly increased its own appropriation by 5,000 pounds.

The Quaker Assembly not only assented supinely to a huge military program, but also was induced to agree for the first time to an official governmental militia for Pennsylvania. The militia bill was introduced by Franklin at the end of 1755. Franklin won Quaker support by proclaiming the voluntarism of the militia; no one, Quaker or non-Quaker, was to be conscripted into its service who might be "conscientiously scrupulous." Furthermore, the volunteer soldiers could democratically choose their own officers. The Quakers, however, seemed to have forgotten that their principle was to oppose *any* governmental militia, any coercive body imposed by the state. So shrewdly did Franklin maneuver that this unprecedented bill passed the Assembly in two days with only four pacifist Quakers in opposition—again led by the courageous James Pemberton.

Thus, in less than a year's time, Benjamin Franklin had succeeded in radically transforming the politics and policies of the Quaker party and of the Assembly. He had managed to work himself into the party leadership on a program of war expenditures and a militia, by leading the Assembly into a political struggle with the proprietary and its appointed executive.* The pure Quakers, devoted to the principle of peace and individualism, had been isolated and routed. The Pembertons organized a petition urging that Quakers "suffer" rather than pay war taxes, but this scarcely succeeded in turning the tide.

In the meanwhile, the proprietary party was pursuing an old dream of the younger Penns: the barring of the Quakers and their supporters from the Assembly in Pennsylvania. The new campaign to gain parliamentary legislation to this effect was launched in London in early 1755 by the Reverend William Smith, who urged a Test Oath for willingness to fight, as well as a disenfranchisement for all Germans until "they have a sufficient knowledge of our language and constitution." He also proposed the outlawing of all newspapers or journals printed in any foreign language. In the fall a petition for barring Quakers from the Assembly was circulated in Pennsylvania, led by William Allen. Alarmed, the English Quakers, a group prominent in English affairs, counterattacked with sustained pressure. In hearings before the Board of Trade, the successful war-supply and militia bills were used as evidence that the Quakers were no longer pacifist, and therefore, no longer a source of worry. The board and the Privy Council, however, disallowed the Pennsylvania militia bill in the summer of 1756, because it dared to allow exemptions to conscientious objectors.

*See *ibid.*, p. 307.

While the English Quakers were able to prevent a Test Oath, they too had no patience with peace or pacifism, and they insisted that the pacifist Quakers end all evidence of their principled opposition to war by resigning en masse from the Assembly. Unfortunately, Pemberton and his handful of colleagues did not believe the fight worth pursuing. With the bulk of their constituency and even their fellow Quakers swept into a war position, they decided in the summer of 1756 to abandon the effort and resign, using an additional war grant to the king as their excuse.

Franklin was overjoyed at the resignation of the "stiff rump" of the Quakers, his "conquest" of Quaker principle being now complete. Moreover, four more Quakers resigned in the fall, many others refused to be candidates, and others refused to vote. Yearly and monthly Quaker meetings urged resignations upon all Quaker officials. The sect had become politically demoralized; many members felt it easier to evade the entire issue and passively permit non-Quakers to pursue the war effort. The result was that Benjamin Franklin was left in complete control of the Pennsylvania Assembly, the remaining Quakers now being thoroughly committed to the war effort and to Franklin's leadership. Thereafter the political issues were constitutional ones: waged over proprietary rule versus the rights of the Assembly.

Of course, Governor Morris and the proprietary were unhappy at the result of the crisis, especially at Franklin's near absolute control over the new Pennsylvania militia and its democratic system of the soldiers electing their officers. In fact, Morris formed "independent" militia companies in Philadelphia, under the rule of the proprietary. A near war broke out in the city, in the spring of 1756, as Franklin, colonel of the Philadelphia militia, marched his regiment to a meeting of the independents and forced the participants to disperse.

Franklin, however, was not at all interested in a truly voluntary militia. With the Quakers having been cajoled into establishing the militia, Franklin soon felt the time ripe to extend the rigorously disciplinary mutiny act to Pennsylvania. The act made a mockery of the supposedly voluntary nature of the militia by decreeing a death penalty for mutiny or even desertion. The bill was temporarily blocked by the Quakers (who had not yet resigned), but an impassioned plea by Franklin again managed to dissipate their opposition.

With the decks of Pennsylvania cleared for war and coercion, Governor Morris and the Council in April 1756 declared all-out warfare against the Indians, including subsidies for scalps of male and female Indians alike. Morris, and Franklin to some extent, believed that the Indians needed "a good drubbing." This illegal declaration by governor and Council, bypassing the Quaker Assembly, was the precipitant of the Quaker bloc's decision to resign and to leave the prosecution of the war to others. The Scotch-Irish frontiersmen were, of course, happy to heed the call for murder and terror against the Indians, and their ministers joined the fight. The pacific German

farmers, in contrast, retired from their farms rather than fight the Indians. The peace Quakers, led by Israel Pemberton, seeing the historic policy of peace with the Red man abandoned, formed a private Friendly Association for Regaining and Preserving Peace with the Indians by Pacific Measures.

A restraining influence soon appeared on the Morris proprietary policy of massive annihilation of the Indians. General Sir William Johnson, the chief British official for Indian Affairs, was becoming dominant in setting Indian policy in the colonies. The keystone of Sir William's program was the old alliance with the Iroquois, and this could hardly be secured by exterminating their dependent tribes. Two forces now drew the teeth of Pennsylvania aggression against the Indians: protests by Johnson, and the willingness of the Delawares to attend a peace conference proposed by their old friends, the Quakers. Furthermore, Morris was succeeded as governor by the weak William Denny, while Franklin had become a political ally of Johnson's major theoretician, Thomas Pownall.

A policy of peace with the Indians was now coming to the fore, and led to a peace conference with the Delaware chief, Tedyuscung, at Easton. Tedyuscung placed the blame for his attacks upon Pennsylvania on the infamous walking purchase and the ouster of the Delawares from their land: "This very ground that is under me was my land and . . . was taken from me by fraud."

While negotiations were proceeding, the buildup for war with New France continued in Pennsylvania. The Crown and the proprietary insisted, over the objections of the Assembly, on compulsorily quartering over one thousand British soldiers, who were suffering from a smallpox epidemic, with the citizens of Philadelphia. The following year, a battle ensued over the military appropriations bill—a huge sum of 100,000 pounds to be raised by a property tax. Again the governor refused to agree to taxing the proprietor's estates, and the Assembly, after being pressured to vote for funds with the exemption, sent Benjamin Franklin to England to argue its case with the proprietary. Franklin managed to persuade the Penns to agree to be taxed, but the proprietors soon rescinded this agreement.

The Delaware Indians proved more tractable, however. By 1758 the peace negotiations had borne fruit. Chief Tedyuscung received recognition by the Pennsylvania government of the unfairness of the walking purchase, as well as compensation for his stolen land. The more westerly Indians were bought off by a gift of 5,000 pounds loaned to the Assembly by the Friendly Association. By 1758, also, the tide of war with the French had turned decisively in favor of England, and this helped end any serious conflict with the Indians. The war with France ended in 1763, with France forced to cede Canada and all of its colonial possessions in North America east of the Mississippi River. England had succeeded in crushing and eradicating New France.

14

The Paxton Boys

Hardly had the war ended when internal trouble as well as trouble with the Indians erupted in Pennsylvania. (It must be pointed out that the Quakers reaped the reward of their past policy: even the frontier Quakers were left untouched by the rampaging Indians.) In the midst of border fighting with Indians, a group of over fifty Scotch-Irish frontiersmen from Paxton in Lancaster County suddenly decided to take a leaf from the book of seventeenth-century Massachusetts and Virginia, and to massacre peaceful and friendly Indians. A tiny group of some twenty peaceful Conestoga Indians (seven men and the rest women and children) had long been settled in the county. It was easier for the brave lads to butcher these few Indians than to battle their enemies on the frontier. And so on December 14, 1763, the "Paxton Boys," led by Matthew Smith and Lazarus Stewart, slaughtered and scalped eight of the defenseless Conestogas. Their only excuse was a vague suspicion that they might have been aiding the enemy. Governor John Penn asked for their arrest. In reply, the Paxton Boys murdered the remaining Indians, who had vainly been placed in jail to guard their safety.

Not content with this outrage, the Paxton Boys marched on Philadelphia in pursuit of some peaceful, neutral, and Christian Moravian Indians who had gone there. The poor Moravians had been set upon several months before by a band of Scotsmen, and several men and women had been murdered. When the murderers were in their turn ambushed and killed, the entire Moravian Indian community was blamed and the Ulster Scots decided to annihilate these Indians. The terrified Indians fled to the Moravian town of Nazareth, but the Assembly decided to disarm them and move them finally and forcibly to Philadelphia. The one hundred and forty-odd Indians were, for their

pains, jeered and cursed at every stop along their long march. At Philadelphia, soldiers successfully defied the governor's orders and refused to admit the Indians to the barracks. Finally almost lynched by a mob, but protected by a cordon of Quakers, the Indians found a camp near the city. The Moravian Indians were shipped to New York by the frightened Philadelphians, but the governors of New York and New Jersey ordered the refugees out of their provinces, and the hapless Indians were forced to return once again to Philadelphia.

Now marching several hundred strong, the Paxton Boys thundered that they would slaughter not only all the Moravian Indians but also any Quakers who might stand in their path. Under such provocation, the Quakers of Germantown rose up in arms to block the invaders' way and formed volunteer militia, again under Franklin's aegis. Certainly the situation was enough to stretch absolute pacifism to the breaking point. While the Indians were successfully defended after several days on the brink of conflict, Franklin was treating the Paxton Boys rather as citizens to be forgiven, with grievances to be pondered, than as murderers. Furthermore, Governor Penn and the Council added to the climate of official complicity by placing a bounty on Indian scalps. The Paxton Boys disbanded and left for home, after unchecked terrorization and plundering of the citizens of Philadelphia. As for the Moravian Indians, they were forced to remain for a year in the Philadelphia barracks, while negotiations were being completed. There, a third of the Indians died from smallpox before they could finally return home.

Following the march of the Paxton Boys, there ensued a furious pamphlet war between the two sides. The Ulster Scots blamed Quaker pacifism for the colony's troubles with the Indians, while the pro-Quaker writers noted that the peace policy with the Indians had succeeded for three-quarters of a century until seriously weakened by the government and by the excesses of the Ulster Scots.

One significant point of grievance, unrelated to the Indian affairs, was raised in the *Declaration of Grievances*, submitted to the government by two leaders of the Paxton Boys, Matthew Smith and James Gibson. This point, heading the list of grievances, was the underrepresentation in the Pennsylvania Assembly of the frontier counties relative to the older areas nearer Philadelphia. In a democracy, the natural, inherent tendency is to overrepresent older areas and underrepresent the new, unless there is, as in colonial Massachusetts, a built-in method for enlarging representation for the new areas. And then the older areas naturally wish to maintain their advantage, and explosive sectional conflict can ensue unless the apportionment is swiftly adjusted to the new pattern of population. This tendency had been borne out in Pennsylvania: the five western frontier counties (Lancaster, York, Berks, Northampton, and Cumberland) had an allotted representation of little more than one-third that of the eastern areas (Philadelphia City, Philadelphia

County, Chester, and Bucks), whereas the representation according to the number of eligible voters should have been about equal. To a large extent, moreover, this meant overrepresentation of Quakers and underrepresentation of the Scotch-Irish.

The eastern counties had no intention of relinquishing their domination of Pennsylvania politics. One Quaker leader remarked with horror that the frontiersmen's demands would "enable them to return a majority of the Presbyterian friends for representatives." One of the Scot pamphlets summed up the eastern reaction as the resentment of men "who see their *darling power* endangered." As the pamphlet agitation mounted, Philadelphia was again threatened with another Paxton-style invasion, and many Philadelphians were beaten up when traveling through western counties.

Two more events or trends of significance in early eighteenth-century Pennsylvania may here be mentioned. One was the withering away, as in Massachusetts, of mercantilist attempts to confer monopoly privileges on artisans of Philadelphia. While there had been attempts around the turn of the century to restrict competition by law in these trades, enforcement of the regulations broke down as the century progressed.

The second important event was the final settlement of a long-standing boundary dispute, stemming from charter conflicts between Pennsylvania and Maryland. After repeated aggressive attempts by Maryland to acquire Pennsylvania territory, the Crown finally decided in favor of Pennsylvania in 1750, with the Penns also keeping proprietorship of Delaware against Maryland claims. The boundary line was surveyed and finally completed by Charles Mason and Jeremiah Dixon in 1767, and ratified by the Crown two years afterward.

15

The Virginia Land System

The Southern colonies generally had a much less eventful history in the first half of the eighteenth century than their more northerly sisters. These colonies expanded but retained roughly the same social and political structure: a large plantation economy, growing mainly tobacco, and staffed with forced labor—with Negro slaves increasing more and more in relation to indentured servants. The headright system of land grants, among other political institutions, had subsidized the importation of indentured servants, and the availability of forced labor in turn permitted large plantations, otherwise uneconomic, to develop and prosper. In each colony the Anglican church was established, but not very popularly, and religious liberty was permitted to all Protestants. An appointed royal or proprietary governor with his allied Council presided over the colony and was confronted with an elected Assembly, which, though elected reasonably democratically, generally represented the planter oligarchy. Slaves and servants, of course, could never vote. The Assembly jealously guarded its power over appropriation and tax bills, and would not relinquish it to the executive.

Maryland and Virginia were particularly stable in this period, especially the former colony. Virginia received a deep imprint from the lengthy administration of Governor Alexander Spotswood (1710–22). A thoroughgoing reactionary, Spotswood was, in the words of Herbert Osgood, “a high Tory and defender of the prerogative in matters of Church and State, and an aggressive imperialist in his relations with the Indians, the French and the neighboring colonies.”* He was a close friend of the influential British Tory William

*Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (Worcester, Mass.: Peter Smith, 1958), 2: 216.

Blathwayt. Spotswood was always ready to arm, and fight against, the Indians or the French, and he urged English seizure of the Great Lakes and trans-Allegheny region.

In contrast to the Northern colonies, a permanent fund for governors' salaries existed in both Maryland and Virginia, and this weakened the extent of Assembly control over the governor. But the Assembly could still threaten to cut off other appropriations for the executive branch, and this proved an effective weapon. During Queen Anne's War, the Assembly balked at Spotswood's demand for military appropriations against a rumored (but never materialized) attack by the French. Four years later it again balked at appropriations to fight Indians in South Carolina.

Governor Spotswood arrived in Virginia with instructions to reform the land system. The original fairly viable headright policy of granting fifty acres to each settler had been prevented through granting free settlers an additional fifty acres for each indentured servant. To this were added the purchases of headrights, Virginia having decided in 1702 to allow unlimited purchases of headrights at the price of five shillings for fifty acres. Fraudulent surveys and grants also helped result in a policy of large land grants to speculators instead of to settlers.

Spotswood at first tried to reform the system of land monopoly. The legal requirement that land be cleared and "planted" before grant of title, had been construed so loosely that a land speculator could appropriate ten thousand acres by clearing just one acre and building a tiny hut upon the acre of land. Spotswood managed to drive through a stricter land law in 1710 and 1713, providing also for forfeiture for nonpayment of quitrent—Spotswood was interested not only in genuine reform but also in enforcement of the perennially contentious quitrent burden. The Council, however, was largely composed of great landlords; they bitterly resisted the new laws, and as judges of the General Court, declared the forfeiture applicable only to future rather than past land grants—and even this restricted provision was not enforced by Virginia officials.

Alexander Spotswood finally decided that it would be more profitable to join the "grantees" than to try to defeat them. Spotswood not only had his own land laws weakened in 1720; he also inaugurated an era of large land grants on easy terms, especially in the tempting areas of unsettled Piedmont land, west of the Virginia fall line. Spotswood himself was not slow to take advantage of his own change of heart—especially when he heard of his pending removal—and by the end of his term he had managed to grant himself over 85,000 acres in Spotsylvania County. As an extra bonus, Spotswood granted himself a special quitrent exemption for a seven-year period. He also took care to be granted land containing iron mines, the first iron produced in Virginia. He even imported a settlement of Germans to found Germanna and to work the mines, but the subsidized venture turned out to be a failure. The

first imported Germans were Swiss, who soon moved to new land of their own, at which point Spotswood made certain to import Palatine Germans to be indentured servants, who could not leave their work so readily.

The policy of land engrossment was continued and expanded by Spotswood's successors, among whom was William Gooch, who governed Virginia from 1726 to 1749. In 1730, Gooch made the lot of the land monopolist still easier by deferring quitrents and permitting a settlement of one family for every thousand acres. These terms were specified in a grant of 30,000 acres to John van Meter. Between 1730 and 1736—just six years—eight grants were made by the Virginia government totaling 500,000 acres of unsettled land. The largest grant was 130,000 acres to William Beverly. Some of these grants passed through the Piedmont and into the Shenandoah Valley. These grants began in 1728 with gifts of 26,000 acres to Larkin Chew and his associates; the Van Meters soon received 40,000 acres.

The actual settlers, however, were not necessarily worse off in securing this land here than elsewhere. In no colony was a libertarian homestead principle in full operation, and many settlers found it cheaper to purchase small farms from these speculators than to battle for patents from the Virginia bureaucracy or to buy land in Pennsylvania.

In the march westward, Virginia came into conflict with competing land monopolists, the owners of the huge Northern Neck. Lord Culpeper had been proprietor of Northern Neck as well as coproprietor of Virginia itself in the late seventeenth century. But when he sold back his proprietary right in Virginia to the Crown in 1684, he could not negotiate a sale for Northern Neck, for which he then obtained a perpetual charter from King James II in 1688. By the turn of the eighteenth century, the Northern Neck grant had passed by inheritance into the hands of Lord Fairfax. Fairfax, by loose construction of the charter, contended that Northern Neck should extend to all the land between the headwaters of the Potomac and Rappahannock (including Rapidan) rivers. Finally, in 1745, the case was decided in favor of Lord Fairfax over the protests of the governor and the House of Burgesses. By this appalling decision, Lord Fairfax was granted the ownership of the enormous total of six million acres of northern Virginia, including a large piece of the Shenandoah Valley.*

In the meanwhile, leading tidewater planters had for decades received land grants from Virginia in this expanding region. Particularly active was William Beverly, nephew of William Byrd II, and the Beverly family had secured over sixty thousand acres and, in fact, a large part of Augusta County. In contrast, Robert ("King") Carter, an agent of Lord Fairfax and senior member

*The decision awarded to Fairfax the present Virginia counties of Culpeper, Fauquier, Rappahannock, Madison, Prince William, Stafford, Fairfax, Loudoun, Arlington, Warren, Page, Shenandoah, Clarke, Frederick, King George, Westmoreland, Richmond, Northumberland, and Lancaster; and the West Virginia counties of Jefferson, Berkeley, Morgan, Hampshire, and Hardy.

of the Council, had acquired an enormous amount of land—under Fairfax's overlordship—for himself, his relatives, and friends. When Fairfax's claim was upheld, he validated all Virginia grants in his region, with himself, of course, as the overlord receiving quitrents. The quitrents, however, were poorly enforced, Fairfax having come up against the almost universal colonial resistance to paying this feudal levy. Being poorly enforced, the Fairfax proprietary did not arouse the resentment that might have been expected.

16

The Virginia Political Structure

The political structure of eighteenth-century Virginia featured the *form* of democracy (except of course for slaves and servants), prettifying the hard reality of oligarchic rule by the large planters. Accordingly, the hierarchy of officialdom was continuously permeated by the scions of a handful of leading planter families. As Professor Sydnor states:

At the peak of the official hierarchy were the members of the Council, who were chosen from the top families of the planter aristocracy . . . and they were in a favorable position, which they did not hesitate to use, to secure large grants of land. Good family helped to put a man in the Council; in turn membership in the Council enabled a man to improve the fortunes of his family. The advantages of the office were enjoyed by a rather small number of families interrelated by blood and marriage. One kind of relationship is indicated by the fact that only fifty-seven family names appear on a list of the ninety-one men appointed to the Council from 1680 to the Revolution. Nine family names account for almost a third of the Councillors during this century; and fourteen other names for almost another third. Five Councillors bore the name of Page; three each the names of Burwell, Byrd, Carter, Custis, Harrison, Lee, Ludwell and Wormley.*

A similar though necessarily broader social structure held for the distribution of the powerful appointive county offices headed by local county judges, who performed executive and legislative as well as judicial functions. It held, also, for the elective House of Burgesses, especially in the positions of power in that chamber. As Sydnor concludes:

*Charles S. Sydnor, *American Revolutionaries in the Making* (New York: Collier Books, 1962), p. 63.

Birth into one of the ruling families was almost essential to the making of a political career in eighteenth-century Virginia. A man inherited local prominence from his father or uncle in much the same way that he inherited land and slaves and social position. It is difficult to recall the name of any Virginian of the Revolutionary generation who rose to high office without the aid of influential relatives.*

In contrast to the other offices that were appointive, the powerful House of Burgesses was elected democratically by the citizens. But various not-too-subtle devices were employed to ensure oligarchic control of the results. For one thing, the voting, as was usual in that era, was by open oral declaration in front of the oligarchically selected sheriff and not by secret ballot. One common device was for the leading planters of the locality to be called upon first to declare their votes; the lesser folk of the county well understood their role. In addition, the sheriff, an appointee of the oligarchic county court, had complete power to set the dates and times of the poll and to open or close it at his whim. Furthermore, he had the power to decide which voter was properly qualified. As an extra lagniappe for the large planters, everyone could vote in any county in which he held a sufficient amount of land.

In addition to these devices, which wrapped the rule of oligarchy in a cloak of democratic procedure, there applied the general truths of the rule of oligarchy within the democratic form, such truths as were analyzed by the great political theorist Gaetano Mosca. As Mosca wrote:

In all societies . . . two classes of people appear—a class that rules and a class that is ruled. The first class always is the less numerous, performs all political functions, monopolizes power and enjoys the advantages that power brings, whereas the second, the more numerous class, is directed and controlled by the first in a manner that is now more or less legal, now more or less arbitrary and violent, and supplies the first, in appearance at least, with material means of subsistence and with the instrumentalities that are essential to the vitality of the political organism. . . .

What happens in other forms of government—namely that an organized minority imposes its will on the disorganized majority—happens also and to perfection but under the appearances of the contrary under a representative system. When we say that the voters “choose” their representatives, we are using a language that is very inexact. The truth is that the representative *has himself elected* by the voters and if that phrase should seem too inflexible and too harsh to fit some cases, we might qualify it by saying that *his friends have him elected*. . . .

The political mandate has been likened to the power of attorney that is familiar in private law. But in private relationships delegations of power and capacities always presuppose that the principal has the broadest freedom in choosing his representative. Now in practice in popular elections that freedom of choice, though complete theoretically, necessarily becomes null not to say

**Ibid.*, p. 74.

ludicrous. If each voter gave his vote to the candidate of his heart we may be sure that in almost all cases the only result would be a wide scattering of votes. When very many wills are involved, choice is determined by the most various criteria, almost all of them subjective, and if such wills were not coordinated and organized it would be virtually impossible for them to coincide in the spontaneous choice of one individual. If his vote were to have any efficacy at all, therefore, each voter is forced to limit his choice to a very narrow field, in other words, to a choice among the two or three persons who have some chance of succeeding; and the only ones who have any chance of succeeding are those whose candidacies are championed by groups, by committees, by *organized minorities*.*

*Gaetano Mosca, *The Ruling Class* (New York: McGraw-Hill Co., 1939), pp. 50, 154.

Virginia Tobacco

The tobacco planters of Virginia continued, in the eighteenth century, to get into periods of economic difficulty, and the secular trend was ominous. The price that planters had to pay for slaves rose with the increased demand for slaves on South Carolina rice and indigo plantations. Thus, the common price of slaves rose from thirty pounds per head in 1741 to forty-six pounds in 1750 to fifty-eight pounds in the 1770s. Soil exhaustion also lowered the productivity of the tobacco plantations.

The tobacco planters continued to try to escape their dwindling fortunes on the market by seeking special privilege. A favorite device was a compulsory cartel, imposed by the state, to restrict tobacco production. Production quotas were then imposed on each plantation. But these restrictions did not have the desired effect of raising the price of a commodity that was grown on an international market; and curtailment in one area provided a lively inducement for other farmers to fill the gap by increasing *their* output. Moreover, the cartel's schemes worked the greatest hardship on the *small* planter; tobacco was the major monetary medium in Virginia and Maryland and the small planter was forced to pay fixed sums—in tobacco—for governmental fees, taxes, and quit-rents. Hence, forced restriction on the amount of tobacco grown was a great hardship on the small planter, whose fixed fees loomed larger in proportion to his total output. Thus, a Virginia-Maryland tobacco cartel scheme in the late 1720s fell through because the small farmers of Maryland would not comply unless Lord Baltimore reduced the quantity of tobacco levied for quit-rents. When Lord Baltimore refused to agree, the scheme had to be abandoned.

The Virginia planters also tried to escape their difficulties by exploiting the

British merchant-creditors, that is, by inducing the government to interfere in the process of collecting contracted debts. In 1708, Maryland passed a law decreeing that debtors might escape a debt by declaring bankruptcy, but the Crown disallowed the law on the cogent ground that the planters might easily defraud their creditors. Virginia, in 1749, allowed planters to pay debts in depreciated Virginia paper currency; all such laws were also disallowed by the Crown as invasion of the creditors' property. And, in 1732, Parliament specified that the lands and slaves of the planters were liable for their debts.

The tobacco merchants have had a bad historical press. The general assumption has been that the merchants purchasing tobacco "exploited" the tobacco planters, doing so both as creditors and as payers of supposedly excessively low prices. But middlemen no more "exploit" their customers or suppliers than does any other group on the free market. All prices, whether selling or purchasing, are set by supply and demand in the ultimate service of consumers. Neither is anyone forced to go into debt; on the market, the creditor supplies a valuable service for which he is paid by the debtor.

There were essentially two methods by which planters sold their tobacco in the eighteenth century. The large coastal planters sold to London merchants on consignment, shipping the tobacco from their wharves for sale abroad; serving as agents of the planters, the merchants were obviously in no position to do any exploiting. The small upland planters, on the other hand, not being in a position to finance or take risks for the longer period, sold their tobacco outright to Scottish merchants, who established stores in Virginia to buy the product and then resold it at Glasgow.

The Scottish merchants did try to form agreements to lower the prices they had to pay for tobacco, but even if they had succeeded, this would not have been "exploitation," for they would then have been forced to be content with smaller amounts of tobacco. The marginal tobacco farmers, hit by lower prices in relation to their costs, would have shifted to other lines of work. But such buyer-cartel agreements could not succeed in the face of free competition and the force of the market. Thus in 1770 an Alexandria merchant complained that "there are too many purchasers pushing one another," and three years later protested that he only bid up the price of tobacco to meet competition: "I am sorry to observe that a few wrongheaded men have it in their power to affect the price." And newly established merchants, attracted by any temporary success in pushing down prices, had to bid up their buying prices in order to attract the business of suppliers. Thus, merchant-factor James Robinson reported gloomily in 1769 that the price of tobacco would be "extravagantly high" because of amounts offered by new merchants in Fredericksburg and Falmouth. Some months later he reported with equal concern that he would have to abandon his refusal to buy tobacco for more than twenty-five shillings because of the competition of new stores. And when merchants at Dumfries, Virginia, tried to lower the buying prices in 1770, other merchants

quickly increased their competing business in Fauquier County. Furthermore, if the planters felt that the merchants' bids were too low, they could always decide to ship on consignment to London, as they did in 1773. As Professor James H. Soltow concluded in his admirable article on the subject:

From a business point of view, the tobacco buyer had not only a short-run interest in purchasing as much tobacco at as low a price as possible, but also a long-run interest in establishing and maintaining a market for his goods and services. Shrewd entrepreneurs, engaged in a competitive business, recognized that profits derived from efficient use of the capital invested in ships, stores, and goods. Robinson [a merchant-factor] . . . summarized the . . . policy of . . . tobacco purchasers in this way: "Such is the course of our trade that we must endeavor to buy all the tobacco we can at the different stores at whatever is the market price, the company not being willing to lose any of their interest in this branch to any person whatever."*

*J. H. Soltow, "Scottish Traders in Virginia, 1750-1775," *Economic History Review* (August 1959): 92.

18

Slavery in Virginia

As tobacco plantations expanded, the extent of Negro slavery increased as well. In 1710, there were 23,000 Negroes in Virginia among 55,000 whites; in 1750, the colony contained 101,000 Negroes and 130,000 whites. And, contrary to historical opinion, the Browns have shown that, while the larger plantations were in the Tidewater area, the proportion of slaves was no greater in many Tidewater areas than in the Piedmont. In fact, the greatest proportion of slaves to total population appeared in the land between the James and Rappahannock rivers, both in the Tidewater and going back well into the Piedmont area. Similarly, the evidence indicates that the proportion of the value of slaves in the total assets of the planters was no greater for large than for small slaveholders.*

The condition of the slaves was what we might expect, where some people are owned by others as capital. Slaves were kept in compounds where they were condemned to miserable lives of severe labor, little food, long working hours, and savage treatment; above all, they lived absolutely and continuously under the direction of their masters. Torture was systematically used even by the "kindest" of masters. For instance, Landon Carter, one of the most eminent planters of the colony, systematically whipped female slaves who were wasting their time tending their young children or daring to feign pregnancy. Stealing the master's property was a particularly heinous offense. When two slaves were caught killing a sheep, Carter ordered them tried and declared that "one shall be hanged to terrify the rest."** Legal marriages by slaves were

*Robert E. and B. Katherine Brown, *Virginia, 1705-1786: Democracy or Aristocracy?* (East Lansing: Michigan State University Press, 1964), pp. 72-77.

***Ibid.*, p. 67.

forbidden, and unofficial slave families were often broken up. The prevalent practice of fornication by the masters with the female slaves was regarded as "a pleasant method to secure slaves at a cheap rate." In law, the cards were stacked against the slaves: a slave received thirty lashes for daring to hit a white Christian, but any owner could kill a slave at will in the process of punishment; runaway slaves refusing to return could be killed, and if such a slave were killed, or executed for any other crime, the government compensated the slave owner. Many runaways committed suicide rather than return to their owner.

Along with slaves came the threat of slave rebellion. Indeed, one of the chief functions of the Virginia militia was to guard against such a menace. In calling for an increase in the militia, Governor Spotswood frankly declared: "Freedom wears a cap which can, without a tongue, call together all those who long to shake off the fetters of slavery and as such an insurrection would surely be attended with most dreadful consequences, so I think we cannot be too early in providing against it, both by putting ourselves in a better posture of defense and by making a law to prevent the consultations of those Negroes." Furthermore, Virginia provided that when a runaway slave should be caught, he be taken from one constable to another along the way back to his master; each constable was to whip the slave in his turn.

Despite these precautions, in 1722 a massive slave plot covering several counties was brought to light. Three slaves, Cooper Will and two Sams, were found guilty of conspiracy to revolt and were sentenced to three years' imprisonment. The following spring, slaves in Middlesex and Gloucester counties were discovered to be plotting to gain their freedom; seven of the leaders were sentenced to banishment. Governor Hugh Drysdale called upon the Assembly to intensify legal punishment of slave rebellion: "You're too well acquainted with the cruel dispositions of these creatures, when they have it in their power to destroy or distress, to let slip their fair opportunity of making more proper laws against them. . . ."

The Virginia legislature was all too eager to comply, and passed new laws forbidding all unlicensed meetings of slaves, as well as the death penalty without benefit of clergy for conspiracy. Furthermore, the crackdown touched even the few free Negroes: they were deprived of the vote, burdened with discriminatory tax rates, and forbidden to possess arms. Moreover, even voluntary manumission of slaves by masters was restricted by the legislature and approval was required by the governor and the Council. When twelve years later the English Board of Trade wanted to know why free Negroes could no longer vote, Governor William Gooch, revealing the colony's great fear of Negro revolts, explained: "There has been a conspiracy discovered amongst the Negroes . . . wherein the free Negroes and Mulattos were much suspected to have been concerned [which will forever be the case] and though there could be no legal proof, so as to correct them, yet such was the insolence of

the free Negroes [that the Assembly deprived them of the vote] . . . well knowing they always did, and ever will adhere to and favor the slaves . . . and to preserve a decent distinction between them and their betters. . . .”

Despite all the restrictions, in the year 1729 a number of Virginia slaves rebelled, procured arms, ammunition, and agricultural equipment, and escaped west to settle in the Blue Ridge Mountains. There the former slaves harmed no one, but the force of their example could have been a standing reproach and a beacon light to the colony of Virginia and even to the entire system of slavery. Hence, Virginia mobilized a strong troop of whites to march against the Negro settlement to destroy it, which they did after a pitched battle. The Negroes left alive were taken back to bondage. Governor Gooch reacted by strengthening and training the militia to prevent similar episodes in the future.

Yet only one year later, in 1730, slave conspiracies were again revealed and suppressed in Virginia. An absurdly optimistic rumor spread among the slaves that the Crown had authorized the freeing of all baptized slaves. The spread of the rumor led to numerous meetings of slaves and “loose discourses” among them about individual liberty. Virginia promptly arrested and severely whipped the leaders of the discourses. A few weeks later, two hundred Negro slaves of Norfolk and Princess Anne counties gathered and chose officers for their imminent rebellion. But the plot was uncovered and four of the slave leaders were executed. Governor Gooch smugly conveyed to the Crown his hope that the slaves would now “rest contented with their condition.”

During the early years of the French and Indian War, when defeats were being inflicted on the English west of Virginia, the slaves took the opportunity to become rebellious. Governor Robert Dinwiddie (1751–58) remarked on the notorious “villainy of the Negroes in any emergency of government.” He ordered trial for any Negroes guilty of seditious talk, and placed a number of soldiers in each county to suppress any Negro revolt. In late 1767, Negro slaves near Alexandria revolted by poisoning and killing several of their overseers. In consequence, eight of the Negroes were brutally executed and their heads exhibited in the public square. A “mob of Negroes” also rioted in Frederick County in the same year. Altogether, slave revolts occurred in Virginia in the following years: 1722, 1723, 1729, 1730, 1755, and 1767.

Indian War in North Carolina

No sooner had the North Carolina proprietary suppressed rebellion in 1711 than the colony became embroiled in a crucial Indian conflict. The Indians in North Carolina had been growing increasingly restive. Not only was white expansion driving them from their proclaimed lands and hunting grounds, but a perhaps more embittering grievance was the common practice of kidnapping Indians into slavery. In fact, so notorious was this practice that Pennsylvania, in 1705, prohibited further "importation of Indian slaves from Carolina" since it had "been observed to give the Indians of this province some umbrage for suspicion and dissatisfaction."

Most dangerous of the Indian tribes was the powerful Tuscarora in central North Carolina, one of the feared and disliked Iroquois nations. In the fall of 1711, the Tuscaroras, taking advantage of the turmoil of the late Thomas Cary rebellion, launched a general attack on the white settlements. The attack was particularly effective on the new and scattered southern settlements, but the main center at Albemarle escaped devastation because Tom Blunt, the Tuscarora chief in the vicinity, refused to join the war.

Governor Edward Hyde induced the Assembly to pass a law authorizing conscription of all males between sixteen and sixty, and called on the neighboring colonies for aid. The Virginia Assembly refused to vote the funds or permit Governor Spotswood to send troops. South Carolina sent a strong military force under Colonel John Barnwell. Barnwell's troop again demonstrated the propensity of the Indians for mutual destruction—redounding to the benefit of the whites—for it consisted largely of Creek, Yamassee, and Sioux Indians. As was true of all other Iroquois, the aggressive Tuscaroras had incurred the enmity of the other tribes of the region. Barnwell decisively

defeated the Tuscaroras, captured one of their forts, and slaughtered the male inhabitants. The Indian allies got all the plunder and the female slaves. Barnwell wistfully regretted that "only one girl we got." Finally, the Tuscaroras sued for peace and a peace treaty was signed, the beaten Indians agreeing to leave all the southern North Carolina land between Cape Fear and the New River.

Colonel Barnwell had expected to be handsomely rewarded by a grateful North Carolina for his supposed patriotism; he found, instead, that the ingrates, cozily far from the battle, were carping because he had not annihilated the enemy. The embittered Barnwell then decided to get willy-nilly what he had come for. Luring a large number of Indians to a spot near New Bern under pretense of a parley, Barnwell and his men fell on them in a surprise attack, seized them, and carried them off to South Carolina to sell the hapless Indians into slavery.

The Tuscaroras were understandably bitter at this treachery and, in the summer of 1712, resumed their war against a white foe who they were now convinced could not be trusted in any respect. Once again, however, Tom Blunt agreed to remain neutral and, indeed, to come partially to the aid of the whites. South Carolina again sent an armed troop, almost exclusively Indian as before, under Colonel James Moore. Moore crushed the Tuscaroras in March 1713, ending the war. The defeated remnants made their way north to New York to join their Iroquois brethren.

The North Carolina Proprietary

After the Tuscarora war, North Carolina politics settled down into the familiar colonial pattern of a proprietary party, centered in the appointive governor and the Council, stressing the prerogative of the executive, and confronting a popular and liberal force concentrated in the Assembly.

Wracked so recently by rebellion and war, North Carolina did not join South Carolina in the latter's successful revolt against the proprietary in 1719. The popular party resisted such instances of executive tyranny as imposing conscription to fight against the Indians without Assembly approval. The most severe quarrel of the people with the proprietary occurred over that veteran irritant, the quitrent. The proprietary naturally wanted to be paid the quitrent in sterling. In this era, however, North Carolina's underdeveloped economy used nineteen marketable commodities as media of exchange, or money, including beef, pork, butter, cheese, pitch, feathers, wheat, leather and hides, skins and corn, as well as the more usual tobacco. In 1715, the Assembly passed a law for payment of the quitrent in any of these commodities, at a fixed scale of relative prices, with the quality of the commodities established by two theoretically disinterested freeholders. The natural result was payment of the hated quitrents in whatever happened to be the least valuable commodity at the fixed scale, and of the poorest possible quality.

The proprietors, having had the usual difficulty in collecting quitrents, had decided at the turn of the century to appoint a network of agents to collect the payments. The agents were empowered to seize and sell the lands of those who failed to pay. In 1715, however, the Assembly deprived the agents of the power to place a value on the seized goods, the value being put into the books of the original owner and the purchaser. This act helped block effective

collection of the rents. All in all, since salaries of the chief officials were paid from the quitrents, the proprietors obtained little or no net profit from their colony.

The end of the Tuscarora war left the coastal area south of Albemarle free of Indians, and whites began to expand into this region. The proprietors restricted this growth, however, by closing their land office in the area and insisting on the sale of land at prices so high as effectively to discourage settlement. To make matters worse, payment for the land had to be made to the proprietors in London. To escape this restriction, the governor and the Council began to grant huge tracts of land to their favorites at rates as low as three pence per one hundred acres, in exchange for monetary payment—as so often happens in history, government officials having monopoly privileges at their disposal proceeded to sell them at the best bargains they could obtain. The biggest culprit among the governors was Sir Richard Everard, who signed away 400,000 acres of such so-called blank patent in 1728 alone.

During the 1720s, the proprietors more and more lost control over the affairs of the colony and over its land policy. In order to encourage immigration into the colony, the Assembly (the governor and Council approving) broke through the proprietary restrictions on land. Ignoring the proprietary order, the new law permitted settlers to enter the southern region, on paying a tentative quitrent of three shillings per one hundred acres, and guaranteed confirmation of their land titles.

The popular new governor, George Burrington, friend of the liberal party, had agreed to this measure but was removed by the proprietors shortly thereafter. He was removed at the instigation of Christopher Gale, chief justice and collector of the royal customs, who loosely charged Burrington with plotting revolution against the proprietary. Burrington had, in fact, threatened to commit mayhem on Gale, had broken up sessions of Gale's court, and had also prevented the royal customs officers from enforcing their exactions. But the proprietors had good cause to regret Burrington's successor, Richard Everard. Everard set up a tyranny so petty and so venal that even the Gale faction and the Council were forced to split with him. Abusing Council and Assembly alike, Everard exacted exorbitant and illegal fees and used the law courts as instruments to settle family quarrels and punish his enemies. The government of North Carolina was reduced to a violent three-way split. Thus, in 1725, the governor and the Council tried to dissolve the Assembly, which, however, denied such power and complained to the proprietors of the persecutions of the Gale clique. The faction seeking dissolution of the Assembly was headed by Gale, now chief justice and judge of the admiralty court, and his son-in-law William Little, the attorney general. At this point, Burrington, now a leader in the Assembly, denounced Everard and assaulted a constable. Riots by the various factions ensued at the capital, Edenton.

Finally, in 1729, the proprietors, disgruntled with the turbulent colony and

finding quitrents almost 10,000 pounds in hopeless arrears, were happy to sell all their rights over both North Carolina and South Carolina to the Crown for merely 23,000 pounds. North Carolina was now a royal colony. The only holdout was John Carteret, who refused to sell his one-eighth right. Fifteen years later, the Crown granted Lord Carteret, now the Earl of Granville, in exchange for his one-eighth proprietorship, the exclusive ownership of a huge land grant in northern North Carolina covering over one half of the whole area of the province and containing two-thirds of its population. Carteret was not only arbitrarily granted ownership over all the unsettled land in the area; he was also given the right to extract quitrents from the property owners already settled there. Carteret's agents proceeded to charge excessive fees, which they insisted be paid in specie, to collect illegal quitrents, and to issue fraudulent deeds. This added to the already considerable turmoil over land and quitrents in the province.

Finally, in 1758, an armed crowd of Lord Carteret's subject tenants forced Francis Corbin, one of his leading agents, to give bond that he would surrender all the excessive fees that he had collected. But Corbin, on his release, not only failed to comply with the agreement, but arrested four of his adversaries. The infuriated settlers rode to the Enfield jail and freed the prisoners. Insurrection then spread throughout the Granville District. Francis Corbin was forced to flee the region. The Assembly urged prosecution of the rioters, but Governor Arthur Dobbs denounced the fraudulent exactions of the Earl of Granville's agents and expressed his sympathy with the people. The rioters therefore remained at liberty and Granville District was virtually rid of its proprietary incubus. Furthermore, after Granville's death in 1763, his son neglected the proprietary and in a few years closed the land office, with the result that newcomers were able to settle and to refuse to pay either taxes or quitrents on their land.

It took a year and a half, from mid-1729 to early 1731, for the Crown to send out its first royal governor, and in that period all government virtually dissolved in North Carolina. No one paid any attention to Everard's proprietary appointment; the General Court, as well as many precinct courts, simply ceased to meet. The Council was suspended and the Assembly had virtually no meetings. Laws were not enforced; taxes, quitrents, and other public revenues went uncollected. In the midst of this virtual state of anarchy, Edmund Porter, judge of the royal admiralty court, tried to aggrandize himself over the populace, causing great discontent in the colony, while Everard made arbitrary arrests and tried to extract exorbitant fees.

Royal Government in North Carolina

As a royal colony, North Carolina government did not change greatly, but much of the confusion and many of the land restrictions imposed by the proprietary disappeared. Immigration now greatly increased and settlement expanded in the south and middle of the coastal areas. These new settlers included groups of Highland Scots in the Cape Fear area, who started emigrating from Scotland in force after the Jacobite rebellion was crushed in 1745.

Royal governor of North Carolina for nearly two decades (1734–52), Gabriel Johnston soon found himself in two basic quarrels with the Assembly. One quarrel, over the perennial land question, began at the opening of his administration: in the course of imposing land reform against the blank patents, Johnston decided to employ the quitrent weapon. As a corollary, he demanded that all quitrents be paid in sterling or in paper money, of which the value would be fixed by governor and Council. He also demanded payment of the backlog of arrears. This policy managed to alienate all the landowners in the colony, large and small, and the Assembly refused to agree to the change. The aroused settlers of Bertie and Edgecombe districts protested to the governor that their poor estates had been honestly purchased and settled with difficulty and that they had believed the lands were their own with the exception of a small quitrent. But now Johnston proposed to increase the quitrents and speedily collect the arrears; if he persisted the settlers would go elsewhere, where they could own the fruits of their own labor. Indeed, in 1737, some five hundred people from Bertie and Edgecombe rose up in arms to free a settler who they mistakenly thought had been harassed for failure to pay quitrents. The Assembly tried to arrest Johnston's officials for seizing

lands and property for payment of quitrents, whereupon Johnston dissolved the Assembly.

Finally the Crown, in 1741, decided largely in favor of the landowners, upholding the principle of the blank patents and previous usage regarding paying quitrents in depreciated commodities. And so, Governor Johnston finally met complete defeat in his attempt to burden the province with heavy quitrents. Whereas in the first few years of his rule he had collected over 4,000 pounds of back quitrents, payments were increasingly in arrears and little was collected thereafter. As a result, the salaries of the government officials paid from quitrents went also in arrears; in 1746, Johnston complained that his salary was eight years overdue. At the governor's death in 1752, arrears of his salary totaled over 13,000 pounds.

The other important dispute of the Johnston administration stemmed from an inherent flaw of democracy—unequal representation as the distribution of population changes. In 1715, representation in the North Carolina Assembly was established at four for each county in Albemarle, and two for each of the other counties. At that time this allocation reflected the distribution of population in the province. But as time went on, the population expanded in the southern part of the colony, and the fixed quota became more and more inequitable. Johnston tried to rectify this condition but, at the same time, moved against democratic aspects of the 1715 structure, which gave the vote to all freemen of the colony, and which provided for the election of a new Assembly every two years. In 1735, Johnston, under royal instruction, induced the Assembly to impose a freehold property requirement for voting. In addition, the Crown, in 1737, disallowed the biennial act, leaving the governor free to call or to dissolve the Assembly at will.

As part of his campaign against the Assembly and its overweighting of Albemarle representatives, Johnston moved the seat of government—haphazard as it was, since public records were kept in private houses—from Edenton in the north to New Bern in the south. The geographical struggle culminated in 1746, when Johnston called an Assembly to meet in the extreme south, at Wilmington on the Cape Fear River. The Albemarle representatives—a majority of the Assembly—boycotted the meeting, robbing it of a quorum according to the old act of 1715, but the rump Assembly equalized the representation to two members per county and established the capital at New Bern.

This trick threw down a direct challenge to Albemarle, which responded by refusing to send representatives or to recognize any act of the New Bern government. Moreover, the people of Albemarle refused to pay taxes, refused to accept the new central government's money, and refused to serve as jurors or recognize the decisions of the General Court. Anyone in prison was set free by the public. The approach to anarchism was not quite complete, however, since the local county courts continued to function. In the meanwhile, the burden of supporting the government was declared too heavy for the south,

and taxes ceased to be paid throughout the province of North Carolina. In this way, an approach to anarchism came again to North Carolina and especially to ever-individualistic Albemarle. Government only fully returned in 1754, when the Crown finally decided in favor of the northern counties and the old form of representation.

The 1740s and 1750s also saw the Ulster Scot influx into and settlement of the western, Piedmont area of North Carolina, many of the Scots settling on the Granville claim. Generally, the Scots were settler-farmers rather than slave-owning plantation holders.

22

Slavery in South Carolina

South Carolina distinguished itself in the eighteenth century for being the first Southern colony to develop a great agricultural staple other than tobacco. First grown in South Carolina in 1694, rice very rapidly became the staple of the colony, with the port of Charleston the center of the rice trade. So successful was the expansion of rice grown on large plantations in the coastal swamps, that Britain added it to the "enumerated list" of commodities as early as the Navigation Act of 1704. By 1722, South Carolina was exporting nine million pounds of rice per year, and by 1750, the total had increased to twenty-seven million.

By midcentury, South Carolina had begun to grow another staple crop, which rose swiftly to second rank beneath rice. This was indigo dye, introduced successfully into the colony in 1744 by Elizah Lukas, who later married Chief Justice Charles Pinckney. Also grown on lowland swamps, indigo proved a natural seasonal complement to rice; and large plantations intensively staffed with Negro slaves proved to be ideal for combining the two products. By the mid-1750s indigo production in the colony was in high gear, and 500,000 pounds were being exported annually.

The rice and indigo plantations differed significantly from the tobacco plantations of Virginia and the Chesapeake Bay area. The former were smaller, more concentrated, and more intensively cultivated, that is, they required considerably more slaves per acre. Hence, the proportion of Negro slaves to whites became considerably higher in South Carolina. In 1750, the Southern colonies had the following ratio of Negroes to whites:

	(in thousands)	
	<i>Negroes</i>	<i>Whites</i>
Maryland	49	115
Virginia	141	199
North Carolina	34	76
South Carolina	39	25

As we can see, the tobacco colonies had considerably fewer Negroes than

whites, whereas Negro slaves outnumbered whites in South Carolina by a good margin.

South Carolina cultivation, taking place in swampland, was also much unhealthier than the tobacco growing of the upper South. The plantation owners, more fortunate than their slaves, could escape the malarial climate and did so, choosing to live in mansions in Charleston rather than on their estates. This contrasted to the decentralized plantation life of the great Virginia landlords. Another and more important reason for the intensive growth of Charleston was the shallowness of the rivers, which prevented ships from going directly to the plantation wharves as in the upper South. Hence, a central port became economically necessary.

Rice and indigo cultivation became economic only through the large-scale use of slaves; but indigo needed an additional subsidy to become profitable. Great Britain in 1748 granted a bounty of six pence for each pound of indigo exported to England.

There were slave plots and insurrections in many American colonies, but the especial brutality toward and the high concentration of slaves made South Carolina the focal point for slave rebellion. As early as 1702, the South Carolina Assembly reprimanded the constables of Charleston for negligence in controlling the slaves, reprimanded a William Harvey of the city for allowing "cabals of Negroes at his house," and listened to the saga of a Negro slave who had threatened his master with a general slave revolt in the colony. In the spring of 1711, the South Carolinians were terrified by an uprising of several armed Negroes. Led by a slave named Sebastian, they plundered the plantations of their oppressors. Presumably, the fear came not from the few marauders but from the apprehension that they might light the spark of a general slave revolution in the colony. Governor Robert Gibbes lamented to the Assembly: "How insolent and mischievous the Negroes are become," and recommended some exemplary form of punishment as well as a possible improvement in the slaves' subsistence standard. In 1713, a slave plot in the Goose Creek section was betrayed and stamped out, the Assembly rewarding the Negro informer with a gift of five pounds sterling.

A plan for a massive slave revolt, goaded by an economic depression, was uncovered in 1720, and a considerable number of Negroes were arrested, burned, hanged, or banished. A report to the king the following year declared in horror that the "black slaves . . . have lately attempted and were very near succeeding in a new revolution which would probably have been attended by the utter extirpation of all Your Majesty's subjects in this province. . . ."

In 1729, a severe epidemic of influenza decimated the ranks of the South Carolina Negroes. Perhaps goaded by this extra burden, the slaves planned another massive revolt the following year. But the Negroes differed over tactics—some urging each group of slaves to destroy its own master, others urging a united uprising against all the masters. In the meanwhile, the plans were uncovered and the leader placed in irons.

Slave troubles continued during the early 1730s in South Carolina. Large-scale meetings of groups of slaves were reported in 1733 and a wave of "robberies and insolence" spread in the colony. A slave rebellion was feared and a dozen slaves were arrested on suspicion in Charleston. The same year, several runaway slaves committed robberies and the governor offered the very large reward of twenty pounds a head for each slave captured. In 1731 and 1732, some runaway slaves were shot and several other Negroes killed or executed.

Furthermore, the colony fretted over the flight of some slaves to freedom in the Spanish town of St. Augustine in Florida. Indeed, the war of England upon Spain led the embittered Spaniards to offer freedom to the slaves of the English. The official policy of welcome to Negro refugees began in the fall of 1733, when the Spanish Crown announced that all fugitive slaves reaching Florida would be permitted to remain there as free men. In 1738, a group of liberated Negroes was established in a town north of St. Augustine, and the policy of welcome to fugitives was again proclaimed.

The attractiveness of St. Augustine, coupled with a severe famine in 1737, led the Negroes to a series of uprisings. In the latter year, three slaves were arrested for a "conspiracy against the peace of this government." Complaints mounted of flight by slaves, individuals and groups, to the haven of St. Augustine. Indeed, a virtual state of guerrilla warfare erupted, with much assassination of masters and uncovering of slave conspiracies. In late 1738, a group of South Carolina slaves rebelled and fought their way through English America to reach freedom in Florida. In early 1739, a great slave plot was uncovered for massive armed uprising and flight to Florida. But slave flights continued and one group was joined by two whites. In April, the South Carolina legislature passed a bill for more effective suppression of slave revolts, but this did not stop a revolt by about twenty slaves, led by one Jimmy, at Stono (twenty miles southwest of Charleston) on September 9. The rebels raided an arsenal, killing two guards, appropriated considerable arms and ammunition, and made their way south. The embittered slaves burned several buildings and killed all whites in their path, except an innkeeper named Wallace, who was known to be "a good man and kind to his slaves." The Jimmy rebellion ignited a spark among the slaves. Joined by fifty or sixty more, the band cried out "liberty" and marched around with drums beating and flags flying. A troop of militia confronted the Negroes. Though the forces were equal in number, the whites were better trained and better armed and routed the slaves. The captured Negroes were immediately shot or hanged by the infuriated whites and the others were hunted down for months. Twenty of the slaves were beaten in another lengthy skirmish, but ten Negroes managed to escape to freedom. Negro and Indian slaves who informed on the refugees were rewarded very handsomely by the government.

In mid-1740 another major slave plot, this time centering in Charleston, was betrayed in advance by a slave named Peter, so that an uprising of nearly two hundred virtually unarmed slaves was confronted by an armed troop. The

result could only be a rout. Fifty of the recaptured Negroes were hanged in batches of ten a day "to intimidate the other Negroes." The betrayer Peter was rewarded with clothing and cash. During 1740 and 1741, many fires broke out in Charleston, some of which, at least, were examples of Negro protest. A Charleston grand jury in March 1741 denounced the activities of such white friends of Negro freedom as Hugh Brian, who wrote a monograph warning the government "of the destruction of Charleston and deliverance of the Negroes from their servitude." Brian's book was forcibly suppressed by the government. Joining Hugh Brian in a call for Negro liberation were Jonathan Brian, William Gilbert, and Robert Ogle. Reacting to the threat of fire to its privileged position, the Charleston government executed a woman for committing arson; even burned a man to death in August 1741 for setting fire to a house, supposedly "with the evil intent of burning down the remaining part of the town"; and convicted two slaves of setting fire to Charleston's arsenal.

In addition to brutal repression, South Carolina tried to alleviate the pressure of slave rebellion in other ways. Laws were passed requiring better food and clothing for slaves and magnanimously limiting slave working hours to fifteen a day. Also, the frightened South Carolinians placed a high tariff on importing slaves, and used the revenue to subsidize the immigration of white Protestants in order to redress the growing preponderance of Negroes in the colony. The importation of slaves stopped completely from 1740 to 1744 and opened again only when the slave traders of Bristol, England, vehemently complained. But South Carolina partially succeeded in its efforts, and colonial South Carolina never had quite so heavy a preponderance of Negroes after 1740. In that year, Negroes in South Carolina totaled some thirty thousand and whites approximately fifteen thousand; while the figures for 1750 are about thirty-nine thousand Negroes and twenty-five thousand whites.

South Carolina did not scruple to enlist Indians to crush the Negro slaves. In 1744, the government asked some Indians to apprehend armed runaway slaves who had formed a base in the woods.

Another slave plot was brewing in 1748. It was again uncovered before ripening. In 1751, South Carolina found it necessary to provide the death penalty for slaves even attempting to poison white people, an act which had lately been occurring frequently. A four-pound reward was offered to any Negro informer whose tale led to conviction. In 1759, another major revolt occurred in South Carolina, and in 1761, Negroes returned to systematic poisoning of their white masters. A Negro rebellion broke out in 1765, but was suppressed by the militia. Another anticipated revolt at the end of that year was thwarted by massive precautionary measures, including militia patrols, the importation of a number of Indians to terrorize the Negro slaves, and putting up-country settlers as well as North Carolinians on the alert. A hundred slaves did manage to escape, however, to the swamps of Colleton County.

23.

Proprietary Rule in South Carolina

In 1713, the Yamassee and other South Carolina Indians had helped North Carolina annihilate the Tuscaroras. Yet, only two years later, the Yamassee and Creek Indians launched a general attack on the South Carolina settlements. What had turned erstwhile faithful allies into enemies? Partly, it was the old story of settler encroachment on Indian land. But even more important in the case of the Yamassee war were the abuses against the Indians by the white traders. The traders systematically engaged in theft, fraud, and illegal enslavement of free Indians. They expropriated the Indians' farm animals and crops and often paid much of the account in violence rather than acceptable commodities. Often they held an entire Indian town collectively liable for a private Indian's debt.

These accumulating grievances prompted the Yamassees, Creeks, and their allies to launch an attack on the white settlements in South Carolina. Contemporary opinion, quick to scent alleged foreign conspiracy, accused the Spaniards at St. Augustine and the French on the Mississippi of inciting the Indians to attack, but these powers played only the secondary role of selling ammunition to or purchasing plunder from the Indians. The Indian grievances were real and so was their opposition to the regime.

The Yamassee war was launched in the spring of 1715, and might have succeeded in driving the English into the sea. Governor Charles Craven used the occasion to become virtual dictator of the colony—prohibiting emigration, conscripting ships and supplies, drafting Negro slaves into the army along with their masters, and mobilizing the militia. But the Indians would have been successful had not the whites induced the powerful Cherokees to remain aloof, and indeed to aid the English. The Yamassees were ejected from the

colony and thrust into Florida by 1716, and the following year a peace was concluded with the Creeks. The result of the war was to clear the bulk of the Indians from the South Carolina settlements and the land to the south.

The end of the Yamassee war cleared a great deal of land from the Indians and opened it up for white settlement. The South Carolina proprietary promptly removed its prohibition against settlement in the south, between the Combahee and Savannah rivers, which had been preserved for the Yamassees. Furthermore, provincial elections had, until now, always been held exclusively in Charleston, which served to concentrate power in the hands of an oligarchy allied to the proprietary party. The Assembly now provided for elections in each parish, distributed representation proportionately to population in the parishes, and allowed voting by ballot. These provisions brought South Carolina into greater uniformity with other American colonies. Furthermore, the Assembly hit at the proprietary by excluding from the legislature all men holding office or patronage from the proprietors.

The proprietary was becoming increasingly disliked in South Carolina, and this temper was aggravated by the rule over the colony by a small clique headed by two men, apart from the governor: Nicholas Trott, chief justice of the province, and his brother-in-law William Rhett, receiver general of the proprietary revenue and collector of the royal customs. Trott, a high Tory who had been enthusiastic over the reactionary policies of Queen Anne, was perhaps the last American judge to impose a belief in witchcraft in a charge to the jury. Trott was given extraordinary powers by the proprietors in 1714, so that without his presence, the Council of South Carolina could not have a quorum. Trott was also made judge of the admiralty and head of the chancery courts, thus virtually monopolizing the administration of justice in South Carolina. Through collusion with Richard Shelton, secretary of the Board of Proprietors, Trott was virtually able to dictate to the entire province, except for the Assembly. William Rhett was not only receiver general, but also military commander and sometimes Speaker of the Assembly.

The colony was soon struck a grim blow when Trott and Rhett were able to induce the Crown to disallow the electoral reforms of 1716 and to return to the practice of exclusive elections at Charleston.

Thirty-one articles of complaint against Trott's tyranny were now submitted to the Assembly, charging him with monopolizing justice, acting as counsel and judge in the same case, and extracting exorbitant fees. When the proprietors disallowed the electoral reform, the Assembly denied their right of veto, inasmuch as even the proprietary governor and Council had approved the reforms of 1716. Trott stood fast, however, in defense of the veto by the proprietors.

The Carolina proprietors reacted by backing Trott all the way, reprimanding their disobedient governor, and promptly appointing a new Council packed with their supporters, with the opposition leaders summarily removed.

Moreover, the proprietors ordered that no more private land be granted in the colony; instead, fifteen large baronies were to be laid out near Port Royal in the south for the exclusive use of the proprietors, thus ousting several hundred Ulster Scot immigrants who had just settled on these lands recently evacuated by the Yamassees.

Great Britain had now launched a war against Spain and the colony began to go into the usual American conniptions in fear of a foreign attack, this time supposedly directed from Havana. In consequence, Governor Robert Johnson mobilized the militia, and the popular forces in South Carolina seized the opportunity of being under arms to conduct a revolution against the now hated proprietary. The militia members, led by Alexander Skene—one of the councillors ousted by the proprietary—drew up and virtually unanimously signed articles of association. These articles, signed November 28, 1719, declared the resolve of the members to overthrow the proprietary completely and to declare South Carolina a royal province. The revolutionary leaders then took their case to the populace and signed up nearly every freeman in South Carolina.

In December, the Assembly declared the Council illegal and resolved to ignore it; it also declared the reforms of 1716 still valid and the proprietors forfeit of their rule. The Assembly proceeded to form itself into a revolutionary association, naming Colonel James Moore as governor, and appointing a new Council. The convention then voted itself as a new Assembly, replaced Trott as chief justice, and drew up a statement of its case to put before the Crown. This declaration included a melodramatic wording of the proprietary neglect of the defense of the province against foreign and Indian enemies, an argument that would certainly appeal to the Crown. William Rhett, incidentally, showed no compunction at betraying his brother-in-law and conveniently joined the revolutionary cause. Robert Johnson tried to reassert his claim to the governorship by threatening to have Charleston bombarded by friendly warships, but the people refused to bow and Johnson never carried out his threat.

For once the royal bureaucracy, never enthusiastic for proprietary colonies, approved of a popular revolution against constituted government. From that point on, South Carolina was accepted as a royal province, with a royally appointed governor and Council. The Crown was intelligent enough to oust Trott, to replace him with a leader of the opposition, and to return the popular opposition leaders to the Council. Finally, in 1729, all the rights of the Carolina proprietors were bought out by the Crown. This not only made South Carolina a royal colony, but also meant that the proprietors had lost all their power to annoy and harass the people of South Carolina.

24

The Land Question in South Carolina

The leading conflict within the new royal colony centered on the land question. Since the proprietors had closed their land office, no grants of land had been made by the Crown. But during the interim period of the 1720s, vague claims were revived to large tracts of coastal land granted in the early days of the proprietary. These land patents were revived because the Crown insisted on raising the quitrent from one shilling to four shillings per one hundred acres.

But since proprietary grants reserved only one shilling per hundred acres for quitrents, this royal decision spurred many recipients of large land baronies, from 12,000 to 40,000 acres in size, to revive their old claims. By the end of the 1720s, almost 800,000 acres of valuable coastal land were appropriated under these old speculative claims. In 1731, the Assembly passed a law giving a blanket validation to all the huge land grants under the proprietary. Robert Johnson, the royal governor, defended the law as "absolutely necessary for the peace and tranquillity of the province," but James St. John, surveyor general and comptroller of the quitrents, and Benjamin Whittaker, the attorney general, pointed out that a 24,000-acre land grant inherited by Johnson himself was at stake in the outcome. St. John also denounced the grantees for engrossing all the best lands and thus keeping legitimate settlers from migrating to the colony. He advocated throwing open the vast land tracts to legitimate settlers. But, although the Board of Trade recommended disavowal of the act, the Privy Council did not do so, and the mass validation of the land engrossments thus remained in force.

In the struggle that ensued between Governor Johnson and the land monopolists on the one hand, and St. John and Whittaker on the other, the

land engrossers controlled the Council and the Assembly in South Carolina. The governor denounced the two critics and the Council urged the dismissal of St. John. The gravest blow against land reform was struck by the government in the case of Thomas Cooper. Cooper, an assistant judge, was arrested by the landed oligarchy for challenging the validity of their speculative land titles. Instead of arguing the case in court, the great landlords prevailed on the Assembly in 1733 to imprison Cooper and two of his assistants for five weeks. Cooper sued for several writs of habeas corpus but the despotic Assembly refused to obey. The unfortunate Cooper sent petitions for his release from arbitrary arrest to the governor; not only were the petitions ignored, but the two merchants who caused the petitions to be sent to Governor Johnson were summarily arrested for their pains. Johnson agreed to release them only after they were forced to pay heavy fines and to beg the governor's pardon. The same brutal treatment was meted out to several other merchants and lawyers carrying Cooper's petitions to members of the Assembly.

Chief Justice Robert Wright now moved courageously to reassert the claims of legal rights over arbitrary despotism. He particularly denounced the executive and the Assembly's suspension of the writ of habeas corpus, one of the chief guarantees of English liberty. The Assembly and Council then passed a bill in 1733 declaring that no public officers be subject to penalty for ignoring habeas-corpus writs for people imprisoned by order of the legislature. Chief Justice Wright, as a councillor, vainly opposed the act as infringing necessary protection against arbitrary violence by the government.

The question of the hour was whether or not the Crown would disallow the tyrannical law. Happily, the Board of Trade recommended rejection and the Crown promptly disallowed the act. The infuriated Assembly cut off Wright's salary and the Crown had to place the salary under the royal quit-rent fund, thus putting it out of control by the Assembly. The vengeful Assembly proceeded to another arbitrary arrest: of James St. John himself. Charging him with "insolent" remarks made in private against the Assembly, the Assembly summarily imprisoned him for three months. He was finally released, but only on orders of the Board of Trade, and even then, only after the Assembly had been administered a public reprimand. Thomas Cooper was, in turn, dismissed from his judgeship by Governor Johnson. Moreover, when Cooper and St. John were elected to the Assembly, the controlling oligarchs refused to seat them.

The upshot of the controversy (which continued for years afterward) was, in a sense, a stalemate: the suspension of the habeas corpus was disallowed but the original large grants to land speculators were allowed to stand.

The tightness of oligarchic control over the South Carolina government in this era may be seen in the fact that *every one* of the colony's governors from 1725 to 1756 was a member of a clique of six wealthy, heavily intermarried landed families. These were the planter families of Blake, Bull, Drayton, Fen-

wicke, Izard, and Middleton. (Governor Johnson was related by marriage to the Blakes.) Furthermore, of the thirty-seven councillors of South Carolina during this period, no less than seventeen were members of this clan. The second big power group in the colony were leading Charleston merchants, generally natives of England with English business connections and influential at the Board of Trade. This group supplied eight councillors, and the very wealthy Henry Laurens was also a member of the group.

By the 1750s, the Council had accumulated a great deal of independent power in South Carolina, but after 1756, its power and prestige rapidly dwindled as the governor and the Crown dismissed recalcitrants and began to appoint largely royal bureaucrats completely dependent on the Crown. The Assembly then became the center of power and leadership among the colonists and hence of resistance to exactions of the Crown.

Georgia: The "Humanitarian" Colony

The South Carolinians, in agitating for a shift from proprietary rule, found it advantageous to scare the Crown about alleged French and Spanish pressures. This propaganda, as well as the Yemassee war, focused the attention of Great Britain on South Carolina and its borderland to the south.

The Spanish had settled north Florida and what is now the Georgia coast in the mid-1560s, with their center at the great port of St. Augustine. Settlement had extended as far north as Santa Elena (now Port Royal, South Carolina), where the Spanish destroyed a recently settled French Huguenot colony. The Spaniards, who concentrated on missionary activities among the Indians—particularly by the Franciscan order—named the Georgia coast the Gualé mission province and established missions and posts on the coast. Attacks by Gualé Indians forced abandonment of the mission posts at the turn of the seventeenth century, but the defeat of the Indians opened the way for renewed and expanded mission posts during the century. Attacks by the Westo Indians in the mid-1650s forced the Spaniards to retreat to below the Savannah River, thus paving the way for the English settlements in South Carolina. Hardly had settlement begun in the 1670s when the South Carolinians fomented trouble among the Indians. They soon became notorious in the colonies for their zeal in enslaving Indians, while the cattle of white settlers often destroyed Indian crops. Moreover, the colonists were eager for war against the Indians in order to gain a considerable supply of slaves, who commanded a ready market in West Indies plantations. The practice had begun as early as 1671, when the English colonists used a vague charge of conspiracy with the Spaniards as an excuse to make war upon the Kusso Indians and turn them into slaves. Eager to repeat this success, South Carolina launched a war

upon the Westo Indians in 1680, thereby going against the proprietary policy of peaceful trade and friendship with the Westos. The proprietors, however, maintained a monopoly of the Westo trade, so that this furnished an incentive for the disgruntled colonists to make war upon the Westos rather than remain in peace. A bloody struggle ensued. After three years, South Carolina, with the help of the Savannah tribe, annihilated the Westo Indians. The Savannahs settled near the Savannah River, replacing the slaughtered Westos. There they and South Carolina made a mutually profitable deal: the whites supplied the Savannahs with arms and the Savannahs, in turn, made war upon and enslaved neighboring Indians, after which they sold the slaves to South Carolina.

The Spaniards had made one fatal mistake in occupying Gualé: they sent missionaries to their Indian allies instead of arms. Beginning in 1680, South Carolina incited a series of Indian attacks against the unarmed Spanish Indians and mission posts. By the end of the Westo War, the aggressive policy of South Carolina had driven the Spanish mission stations out of Gualé. The Spanish Indians also fled, and the powerful Yamassee Indians, attracted by a winner, moved from Florida to South Carolina.

With the crushing of the Yamassees and other Indians in the Yamassee war, the old Gualé region was now open for settlement and penetration. The Carolina proprietors agreed in 1717 to a fantastic scheme to establish a feudal Margravate of Azilia in the Gualé region. The proprietors were to grant the region to the promoters, in exchange for a quitrent of a penny per acre occupied. The main Azilia promoters were Sir Robert Montgomery, a Scottish baronet, and the poet Aaron Hill. Montgomery and Hill wrote promotional monographs, glowingly puffing the land as "our future Eden." A myriad of elaborate townships were projected, to be spaced in concentric zones with the Margrave's palace in the exact center. But, like many other wild schemes, the plan collapsed with the ending in 1720 of the inflationary and speculative South Sea Bubble on the London Stock Market.

One of the first acts of the new royal government in South Carolina was to build Fort King George at the mouth of the Altamaha River, the first English establishment in the Georgia region. The fort was to serve as a standing outpost against the French in the west and the Spanish in the south. The South Carolina Assembly resented paying for a new garrison, but the new governor, Francis Nicholson, was able to drive through the sizable appropriations.

Not only was the erection of the fort on former Spanish territory an insult and a threat to Spain, but soon the fort was being used to incite the Indians to raid Spanish settlements in Florida. The Spanish ambassador to London charged that the Floridians "could not stir out of their houses to cultivate their lands, or turn out their cattle without apparent danger from the said Indians." The Crown sent two letters to Nicholson, ordering the end of the aggressive violence against the Spanish settlements. The great hope of Nichol-

son and South Carolina was to use Fort King George during the hoped-for next round of wars, as a base to seize St. Augustine. To the Spanish insistence that the fort be dismantled, South Carolina irrelevantly kept turning to demands that runaway Negro slaves be forcibly returned by Spain. No one was more unhappy about maintaining the fort than its own garrison. From 1725 to 1727 the soldiers, disgruntled with a malarial swamp and with poor food, mutinied several times. A dozen soldiers defected to St. Augustine and the garrison allowed a fire almost to destroy the fort.

During the 1720s the proprietors kept title to Carolina (including Georgia) lands and insisted on keeping all new lands closed to settlement—while demanding collection of quitrents or a restoration of their own rule before they would consent to open the lands for settlement. All plans to settle Georgia during this period therefore proved to be abortive.

In 1727, Spain launched a desultory siege of the British port of Gibraltar. During this short-lived war between England and Spain, the Carolinians withdrew from the exposed Fort King George. Indeed, Indian tribes allied to Spain now raided frontier Carolina settlements. The Yamassee remnants, though reduced to three villages near St. Augustine, eagerly sought revenge by leading these border raids, and they were joined by Creeks and by runaway Negroes anxious to exact some revenge for their years in slavery. The South Carolinians, for their part, took the occasion to launch an expedition and to annihilate the Yamassee remnant. Going by sea, the South Carolinians, led by Colonel John Palmer, a member of the Assembly, devastated and burned the Yamassee towns, including the Catholic chapel near St. Augustine, and killed a number of Indians. Some of the Yamassees found refuge in the great fort of St. Augustine, but the Yamassee prestige had been irreparably injured.

So long as the proprietors who had closed off the unsettled land still held title to Carolina and Georgia, the Crown could not open up the Georgia land to settlement. But with the end of the proprietary claims in 1729, the crushing of the Yamassees, and the end of the brief Anglo-Spanish war, the path to settlement was now wide open. Furthermore, the royal authorities were particularly anxious to encourage settlement in Georgia as a buffer against the French, Spanish, and Indians.

It was at this time that the Gualé region was organized and settled on a unique basis: here was neither a proprietary nor chartered company organized for profit or for religious unity, nor a typically royal province; here was a proprietary colony run, not for profit, but for humanitarian and altruistic reasons. Here was an unparalleled model of the logical consequences of philanthropic altruism run rampant.

The major founder of the new philanthropic colony was Colonel James E. Oglethorpe, a prominent member of Parliament and an aggressive Tory. The most widely trumpeted aim of the new colony was humanitarianism: Englishmen were called upon to contribute with no hope of personal reward to a new

colony in Gualé (to be called "Georgia" in honor of King George II), which would colonize and help the poor and needy of England. Indeed, because of its humanitarian reputation, Georgia received tremendous publicity in the English press. Meetings of the trustees were reported in detail, and Oglethorpe was welcomed as a hero—replete with odes from leading poets such as Alexander Pope—upon his return from trips to the new colony.

Even on its face it is a wonder that no one called the humanitarianism of this scheme into question. If one is so eager to help the English poor, is it so humanitarian to ship them to a new and unsettled land bordered by potential enemies? But apart from this, the workings of the new experiment revealed the logical consequences of outright altruism. For if A is to act as "his brother's keeper," if he is to be in a position to do good *to* his fellow man, then he must be his brother's keeper in more than one sense. For how can A be truly *responsible for* (that is, keep) B unless he be given power to tell B what to do and what not to do, that is, be his keeper in the unpleasant sense of jailer? On the simplest level, for example, how can A be responsible for B's health unless he is in a position to dictate B's food consumption and to force him to wear rubbers in the rain? To do good *to* another, the recipient must be made to sit still and accept the largesse. And to be responsible *for* another, the humanitarian must have power over him. This is why, in the stark but telling phrase of the brilliant but neglected twentieth-century political thinker Isabel Paterson, "the humanitarian sets up the guillotine."*

If, then, one is to set up a "humanitarian" colony for the poor and unemployed, *and* as a corollary the colony is not to be run by the supposedly evil motives of profit-making, then what are the consequences? The supposedly cold and impersonal motives of profit furnish a potent checkrein on irresponsible actions. To make profits one's production must be economic; specifically, to build up a profitable colony it is necessary to induce settlers to come to that colony and to be productive and economic. But the rejection of profit-making as a motive gave the proprietors almost unlimited rein to exercise irresponsible and arbitrary *power* over their charges. It also gave them a chance to indulge in general and vague motives, the outcome of which might be truly reprehensible, despite their superficial attraction for many people.

*Isabel Paterson, "The Humanitarian with the Guillotine," in *The God of the Machine* (New York: G. P. Putnam Sons, 1943), p. 241. More fully, Paterson points out that "the humanitarian wishes to be a prime mover in the lives of others. He cannot admit either the divine or the natural order by which men have the power to keep themselves. The humanitarian puts himself in the place of God.

"But he is confronted by two awkward facts: first, that the competent do not need his assistance; and second, that the majority of people, if unperverted, positively do not want to be 'done good' by the humanitarians. . . . Shall A do what he thinks is good for B and B do what he thinks is good for A? Or shall A accept only what he thinks is good for B and vice versa? But that is absurd. Of course, what the humanitarian actually proposes is that *he* shall do what he thinks is good for everybody. It is at this point that the humanitarian sets up the guillotine" (*ibid.*).

James Oglethorpe and his associates received a charter from King George II in 1732 for a colony of Georgia with jurisdiction between the Savannah and Altamaha rivers (now northern Georgia). By the charter, the proprietors were a group of twenty-one trustees—the Georgia Trust—none of whom was to be allowed to reap personal gain or profit from the colony. The Trust was to run the colony for twenty-one years, after which the land would revert to the Crown. All laws of Georgia were to be subject to the king's approval. Religious freedom was to be enjoyed in the colony by all except Catholics, who apparently did not come under any sort of "humanitarian" jurisdiction.

The conjunction of altruism and absolute power could be discerned very early: the Common Council—a committee of trustees—was to have absolute power to decree laws and regulations for the inhabitants of Georgia. From its very inception, here was the only colony where the citizens had no representative assembly whatever and, indeed, little say over their own lives and actions.

Two myths soon surrounded the inception of the Georgia colony, myths that were convenient for Oglethorpe and the trustees to foster. One was that the humanitarianism was virtually permeated with religion, and second, that the philanthropy was directed specifically toward debtors who had been released from imprisonment. The first myth stems from the fact that the Georgia Trust grew out of a foundation called the Associates of Dr. Bray, which consisted of those who had been followers of the aggressive Anglican missionary and philanthropist, the Reverend Thomas Bray. Dr. Bray had been interested in a humanitarian colony in Georgia but died in 1730, and religious influence proved to be virtually nonexistent in the colony. In fact, Thomas Coram, a close friend of Bray's, soon broke with the Georgia experiment because of the absence of any religious influence. The second myth arose because the bulk of Oglethorpe's associates among the trustees had been connected with him in parliamentary jail committees on the state of debtors and others in prison. But the historian Albert B. Saye has shown that hardly any formerly imprisoned debtors were among the early settlers of Georgia.*

In fact, there were other motives than humanitarian ones in establishing Georgia. These may be summed up in the advancement of the interests of the British ruling classes (that is, the imperial bureaucracy and the merchants and manufacturers subsidized and privileged by the state). In short, it was a typically mercantilist venture, despite its unconventional trappings. Specifically, the trustees—and the Crown³—decided to people the Georgia frontier to serve as a military buffer and striking point against the Indians and other European colonies. In addition, it was expected that the settlers would supply the manufacturers of the mother country with a plentiful and hence cheap source of hemp, flax, timber, and even silk.

Thus Oglethorpe, in the days of the inception of the Georgia scheme, told

*Albert B. Saye, *New Viewpoints in Georgia History* (Athens, Ga.: University of Georgia Press, 1943).

his chief ally, Viscount Percival, that the Georgia plan was that the colonists "should be settled all together . . . and be subject to subordinate rulers, who should inspect their behavior and labor under one chief head; that in time they, with their families, would increase so fast as to become a security and defense of our possessions against the French and Indians of those parts; that they should be employed in cultivating flax and hemp, which being allowed to make into yarn, will be returned to England, Ireland, and greatly promote our manufactures." The promotional literature of the trustees also pointed out how the Roman Empire had sent settlers to their frontiers: "It was by this policy that they elbowed all the nations around them." In short, the recipients of "humanitarian" largesse, the very needy who needed "to be done good to," were to be shipped to Georgia to live and work under the absolute power of their masters, in order to serve as docile fodder for military campaigns and as exploited labor in the interests of their rulers! Dependents upon charity, of course, are far more passive and susceptible to the orders of their masters and keepers than are independent and self-reliant workers and other citizens. The lineaments of power were becoming clearly discernible under the attractive trappings of altruism.

One interesting revelation of the trustees' intent was their policy in selecting colonists to emigrate to the new land. An inescapable fact of nature is that largesse cannot be unlimited; hence, anyone who proposes such gifts must needs select and choose their recipients. What were the trustees' criteria of selection? First, they were careful to select *only* the needy; clearly, those already earning their living at home would hardly prove docile or grateful workers or soldiers. Another frankly expressed reason for this criterion was to get some of the growing number of unsightly and annoying poor off the streets of London (to "carry off the numbers of . . . poor that pester the streets of London"). However, far from concentrating on distressed debtors, the trustees made sure that the applicants were "virtuous and industrious," and detailed investigations were made of their moral character. It would not do, obviously, to have an unruly and unproductive group settle in the colony. Moreover, the trustees insisted that the populace be generally sturdy and able-bodied—here were not alms to the truly needy but a careful insistence that the Georgians be fit for the tasks to which the trustees meant to assign them.

One of the loudly proclaimed purposes of the new colony was to provide a haven for German and other Protestant refugees. A commendable humanitarian aim, to be sure. But we find that the trustees distrusted intensely religious refugees, and agreed to accept only applicants checked for their industry and sobriety.

The first colonists, numbering over one hundred, arrived in Georgia in early 1733, led by Oglethorpe himself, and founded the city of Savannah at the mouth of the Savannah River. More colonists soon arrived, including

Lutheran refugees from Salzburg in Austria who founded the town of Ebenezer.

The absolute dictatorship of humanitarians in power over their charges soon became manifest. The trustees laid down a genuinely totalitarian system of planning—of rules and regulations for the colonists. The crucial regulations were imposed over *land*, and ensured that no one had even a semblance of private property in land. The size of individual holdings was strictly and arbitrarily limited to a maximum of five hundred acres, depending on the number of servants the settler brought over. Each family was given fifty acres, which it was not allowed to sell, rent, or divide. The larger acreage allowed for servants, and brought a rather wealthier element to the colony. All settlers, however, including servants, were carefully selected and regulated by the trustees. Servitude proved impracticable in Georgia, since the servants persisted in rebelling against their masters, committing passive and active sabotage, and running away to South Carolina.

Each family only owned land in "tail male"; the land could be inherited only by a son, and *then* only if the son continued to work the land himself. If both of these conditions did not obtain, the land then automatically reverted to the trustees. But fifty acres could hardly support a family on Georgia land. Furthermore, since the land could not be sold or exchanged, each settler was frozen on a particular parcel of land no matter how uneconomic or infertile it proved to be. And why should a settler without a son willing to keep working on the particular assigned acres have any incentive to improve or even maintain land that would inevitably revert to the trustee government?

Typical of the destructive nature of the trustees' absolute dictation over land was the situation in the town of Hampstead. The citizens of the town, in 1738, complained that their assigned land was infertile pine land, and petitioned the trustees (who had complete charge of such matters) for better land in exchange. But Oglethorpe replied that if the people were allowed to move to better land, this would put dark desires in the hearts of all their fellow Georgians to move to better land themselves.

The compulsory egalitarianism of placing a maximum limit on everyone's acreage was even more destructive than the practice of monopolizing land grants in other colonies. The settlers soon saw and complained that there was no incentive to try to better their condition. As one of the trustees' agents reported: "There being many lazy fellows in the number, and others not able to work, those who work stoutly think it unreasonable the others should enjoy the fruits of their labor, and when the land is cleared, have an equal share and chance when lots are cast for determining each person's division."

Another important grievance was the high quitrent charged by the trustees. Yet, Oglethorpe stubbornly claimed that the complaints only came from the selfish and shiftless and from those stirred up by subversive land speculators from South Carolina.

Since the funds all came philanthropically to Georgia from abroad, the citizens paid no taxes and had no right to protest. The trustees employed storekeepers in the colony, and the storekeepers were instructed to dole out precisely fixed and detailed rations to each of the settlers; the precisely detailed doles, as Professor Boorstin comments, "have more the ring of a well-run jail . . . than of a colony of free men seeking their fortune in a new world."*

Totalitarian regulation, of course, encompassed the sphere of alleged morality as well. To preserve their charges against the evils of luxury and indolence, the trustees prohibited the importation of any whiskey into Georgia. All liquor found in the colony would be publicly destroyed and the sale of alcoholic beverages condemned as a crime. The prohibition on rum imports, however, crippled trade with the West Indies, an important market for Georgia timber.

Slavery was also prohibited in the colony, but not at all from any humanitarian considerations toward the Negro. On the contrary, *free* Negroes as well as slaves were barred from the colony, and the main reason was the fear that Negroes would be the natural allies of possible Spanish or French invaders. Indeed, the humanitarian Oglethorpe himself owned a slave plantation in South Carolina and invested heavily in the African slave trade.

If the trustees could not profit personally from their absolute power over the people of Georgia, their *agents* could—and did. For their agents were empowered with the crucial right to distribute all the subsidized stores in the colony. Whenever there is monopoly privilege to distribute, it is almost an historical or sociological law that the distributor will take steps to sell that privilege. Thomas Causton, for example, the official storekeeper of the colony, had absolute power over all supplies and hence virtually of life and death in the colony. In this capacity, he naturally became the most hated man in Georgia. Once he trumpeted publicly that the Georgian "had neither lands, rights, or possessions; that the trustees gave and that the trustees could freely take away"—and, of course, everyone knew that Causton himself was the trustees' surrogate in the colony. And Causton sold the privileges at his disposal, engaging in profiteering, bribery, short and spoiled rations, etc. As agent of the trustees, Causton *was* the government and thus immune to legal prosecution.

Wildest and most cherished of the trustees' plans was the promotion of the expensive growth of silk in the Georgia colony. The projectors had high hopes, totally ungrounded in economic reality, of Georgia becoming a center of silk culture. (For one thing, the trustees had not yet realized that the mulberry trees of Georgia were completely unsuited for silk culture.) The trustees proceeded blithely to force and cajole silk production. On the one hand, they established a guaranteed inflated buying price for all silk grown, as well as

*Daniel J. Boorstin, *The Americans: The Colonial Experience* (New York: Random House, 1958), p. 57.

subsidies and prizes for silk exported to England; on the other, they required each hapless settler, as a necessary condition of his claim, to plant at least fifty mulberry trees on every fifty acres. The silk scheme proved to be a fiasco in economic planning, despite large-scale propaganda campaigns in behalf of Georgia's silk. Silkworms could not flourish there and it was uneconomic for labor to be applied to this commodity.

The humanitarian trustees had absolute confidence in the merits of their dictatorial power. "The Board (itself) will always do what is right," it had the gall to resolve unanimously in 1735, "and the people should have confidence in us." But somehow the settlers proved to be ingrates and continually complained of their food, land, and equipment. Since they were placed in a position of forced dependence upon the trustees, they could only better themselves by begging or demanding from the trustees, rather than each running his life independently as he saw fit. Furthermore, the prohibition against liquor was proving unenforceable. One contemporary writer explained that "as it is the nature of mankind in general, and of the common sort in particular, more eagerly to desire and more immoderately to use those things which are most restrained from them, such was the case with respect to rum in Georgia."

As early as 1738, the trustees were beginning to realize that the whole experiment was proving to be an abject failure. Their plans were going awry. The colony was stagnant rather than expanding, and only rising complaints and protests were greeting their unselfish benevolence. Their humanitarianism strained to the breaking point, the trustees soon concluded that the poor "who had been useless in England, were inclined to be useless in Georgia likewise."

Slowly, grudgingly, the trustees began to relax their power and their fixed dictatorial plans for the colonists. In 1738, they commenced lessening their absurd land regulations: females were now permitted to inherit land. In the succeeding years, childless farmers were permitted to bequeath their lands, leases were allowed, and the maximum size of holdings was increased to two thousand acres. Furthermore, quitrents were reduced and soon abolished, and free exchange of land began to be allowed. But complete private property in land, including complete freedom to exchange or bequeath, was not permitted until 1750, when the trustees were preparing to abandon the colony. To the last, Oglethorpe insisted on the wisdom of the land regulations.

Similarly, in 1742, the trustees, recognizing reality, managed to repeal the prohibition of liquor, but only over Oglethorpe's violent objections. In 1750, the trustees submitted to popular pressure, in turn stimulated by South Carolina slave traders, and permitted Negro slavery in the colony.

But the trustees persisted in their silk folly virtually to the end. In 1751, the trustees at last allowed a representative assembly—but *only* to make suggestions to the trustees—and promptly required that no one could serve on

the Assembly who did not have at least one hundred mulberry trees on every fifty acres of his land, and at least one female member of his family instructing others in silk reeling, or who did not produce at least fifteen pounds of silk on each of his fifty acres. Also, every slave owner was required to own at least one Negress skilled in silk raising to every four male Negroes.

The trustees' mounting concessions to the peoples' rights did not, however, still the tide of petitions and protests in Georgia. Furthermore, many Georgians were deserting the colony for the far freer atmosphere and opportunities of the Carolinas and the other American colonies. Over against the rising and unquenchable tide of popular protest, English philanthropic support was dwindling steadily. At first, the English public contributed handsome sums for the supposed Georgia charity: in the first eight years, voluntary subscriptions totalled 18,000 pounds. But the great bulk of contributions came from Parliament, the government contributing over 130,000 pounds in the years of the Georgia proprietary. But by the end of the 1740s, English interest was dwindling rapidly. And Oglethorpe, the soul of the proprietary, was in disgrace.

Finally, in 1751, the trustees announced their intention to relinquish Georgia a bit ahead of time, and the transfer of Georgia to the Crown was effected the following year. But the trustees did not, as one might have hoped, learn the lesson of the disastrous failure of the humanitarian in power. On the contrary, they remained smugly self-righteous to the last, Lord Percival complaining that "it is a melancholy thing to see how zeal for a good thing abates when the novelty is over. . . ." And they drew from the silk fiasco only the lament that they did not have more money to pour into silk culture in Georgia.

At the end of two decades of humanitarianism and central planning, Georgia, the settlers charged, saw her original settlers "scattered over the face of the earth; her plantations a wild; her towns a desert; her villages in rubbish; her improvements a by-word, and her liberties a jest. . . ."

If the trustees failed dismally in their plans for the Georgia colony, they did manage to pursue energetically the policy of using Georgia as a military and border weapon against foreign colonies. As soon as Oglethorpe arrived, he began to sink funds in a series of military posts. In Parliament, Oglethorpe had persistently called for a more aggressive, warlike policy toward Spain. Now he exulted in daring to build a chain of forts south of the Altamaha boundary. This brazen encroachment on Spanish territory centered on the fort of Frederica, just south of the Altamaha, and extended as far south as Fort Saint George on the St. John's River in Florida. Naturally, the Spanish government bitterly protested these military incursions, and also demanded the recall of Oglethorpe, but to no avail. Instead, the English prepared for war and Oglethorpe in 1737 was named commander-in-chief of all the royal forces in Georgia and South Carolina. Oglethorpe also acted to bolster alliances among

the Indians; he had already constructed Fort Augusta upriver on the Savannah, to promote trade and alliance with the natives.

In the fall of 1739, England launched an aggressive war against Spain, and this was all the signal needed by Georgia or the Spaniards, eager to repulse the Oglethorpe thrusts. Characteristically, the first mass attack was launched in 1740 by General Oglethorpe, in an attempt to conquer the chief Spanish fort of St. Augustine. Commanding South Carolinian and Indian forces and bolstered by the huge cash subsidy of 120,000 pounds granted by South Carolina, Oglethorpe besieged St. Augustine by land and sea. The siege, however, failed completely and Oglethorpe ungratefully and characteristically sought to use South Carolina as a scapegoat for his own failure. Oglethorpe's bitter charges naturally provoked retaliation in South Carolina, and Carolinian charges of incompetence hit far closer to the mark.

Two years later, the Spaniards retaliated and landed an expedition of several thousand men against Frederica, but were repulsed in a cleverly executed ambush by the heavily outnumbered Oglethorpe. But the result of this Battle of Bloody Marsh was owing far more to Spanish incompetence than to the excellence of Oglethorpe's defense. For his part, after failing to gain English aid by arousing hysteria in England about the supposedly imminent attack from Florida, Oglethorpe struck out on his own in the spring of 1743 to try once again to capture St. Augustine. But the Spanish repulsed the attack. The new result of the various military clashes between Georgia and Florida was a stalemate and a maintenance of the status quo. With the aggressive Oglethorpe having returned to England, the war with Spanish Florida was now at an end.

The humanitarian Oglethorpe had been most anxious to use his charges for military fodder; stringent military training and discipline had, from the beginning, been imposed upon the colonists. Among the hundreds of German immigrants to Georgia was a group of Protestant Moravians. This pacifist sect resisted military training and nonexemption from such conscription. When the war with Spain began, Georgia renewed its demand upon the Moravians, who courageously replied that "they could not in conscience fight and if expected to do so, they must leave the country." This they promptly proceeded to do, and migrated to the far more hospitable valley of Pennsylvania.

Another religious group that arrived during the trustee period was several score of Jews, who landed in July 1733. Three of the wealthiest Sephardic Jews (of Spanish-Portuguese descent) in London were hired as fund-raisers to collect charitable sums for the Georgia project. The three agents were, of course, supposed to turn over the funds to the trustees. Instead, they blithely used the money to finance the emigration of two groups of Jews to Georgia. The more notable group consisted of forty Sephardic Jews, while the other party was made up of much poorer folk from Germany. The trustees were understandably embittered at this chicanery, and ordered Oglethorpe to eject

the Jews from the colony. Particularly bitter and alarmed was the religiously oriented Thomas Coram, who warned the trustees that Georgia "would soon become a Jewish colony," with only Christian laborers—those whom the Jews "find most necessary and useful"—allowed to remain in the country. Oglethorpe, however, was greatly impressed with the way that a Jewish physician, Dr. Samuel Nuñez Ribiero, was able to stop a severe epidemic, and allowed them to stay. The Jews settled in Savannah, but in a few years the bulk of them had migrated to Charleston.*

After a royal government replaced the hated proprietary in 1752, Georgia swiftly became very much like the other royal colonies in America. The end of proprietary planning led to rapid growth of the colony, with rice and indigo culture spreading in the lowlands in lieu of such unfortunate projects as silk. With slavery now permitted and the land free of encumbrance, large plantations for rice and indigo could be profitably established. "South Carolina," in fact, moved to the coast of northern Georgia. In addition, timber and naval stores were now widely grown in the new royal province. Also arriving in Georgia was a group of several hundred Puritans, originally from Massachusetts, who now settled the Midway district on the coast, around the port of Sunbury. All in all, Georgia began to resemble an undeveloped microcosm of her neighbor to the north, including the typical royal-colony scheme of appointed governor and Council in conflict with an elective representative Assembly. In 1758, Georgia joined the other Southern colonies in establishing the Anglican church. Dissenters continued to flourish in the colony, but soon attendance at public religious services was made compulsory.

After Oglethorpe's departure, the forts south of the Altamaha were allowed to fall into decay, and the Crown refused to spend money to rebuild what could only serve as a standing challenge to Spain. Unoccupied and free of the burdens of imposed sovereignty, the region south of the Altamaha became a truly free land. Like Rhode Island and North Carolina in the mid-seventeenth century, it became in the 1750s an individualistic haven for those discontented with existing governments.

The most prominent dissident was Edmund Gray, a Quaker from Virginia. Gray had already become influential in Augusta for openly daring to parcel out land in the public domain to himself and to his fellow settlers without bothering to worry about governmental sanction. Running for the first royal Assembly, meeting in early 1755, Gray stirred up the people with eloquent pleas for liberty and economic opportunity as well as criticism of emerging royal rule. In the election, Gray won the Assembly seat from Augusta, and the head of the Gray forces in Savannah, the lawyer Charles Watson, was elected from that city. Gray claimed that the defeat of two of his other allies in the Savannah election was due to fraud. Not only did the Assembly reject this

*The handful of Jews in the colonies, largely Sephardim and merchants, were concentrated in the cities of Newport, New York, Philadelphia, and Charleston.

claim, but it went on to expel two other followers of Gray. This arbitrary act precipitated a boycott of the lower house by Gray, Watson, and six other representatives, constituting almost half of the total membership of the Assembly. The Assembly replied by expelling two more of the absentees, who now issued a circular letter on January 15 to the freeholders of Georgia, calling upon all "who regard the liberties of your country" to flock to Savannah.

John Reynolds, the first royal governor, reacted to this crisis with an hysterical and coercive crackdown on his opposition. He denounced the "sedition," decreed the prohibition of "all tumultuous assemblies and nightly meetings," urged his subjects to defend the imperiled government, and formed a counter-revolutionary armed association, headed by the Council and the rump Assembly. Upon this demonstration of *force majeure*, Gray and Watson fled Savannah, and the Assembly peremptorily expelled all of its "seditious" members. Disgusted with Georgia's arbitrary actions, Gray and several hundred followers left Georgia to settle south of the Altamaha, where no long arm of government could reach them.

This settlement of Gray and his followers centered on Cumberland Island and the new settlement of New Hanover, some miles up the Satilla River. There Gray and his followers lived free lives, unburdened by the domination of government. As such, their very existence was a standing reproach to the people of Georgia, and especially to its government, who concluded that these "dangerous" people must be stamped out lest their example be followed by others. Furthermore, governments always abhor a "vacuum," and Spain was trying to force Gray and his followers to come under its jurisdiction. Consequently, the Crown itself, in 1758, ordered these free settlements crushed. Officials from South Carolina and Georgia traveled there and successfully ordered them to disburse and leave the territory of no-government. The haven from government was at an end. Gray, however, proved indomitable and re-established New Hanover, with over seventy families, on Cumberland Island in 1761.

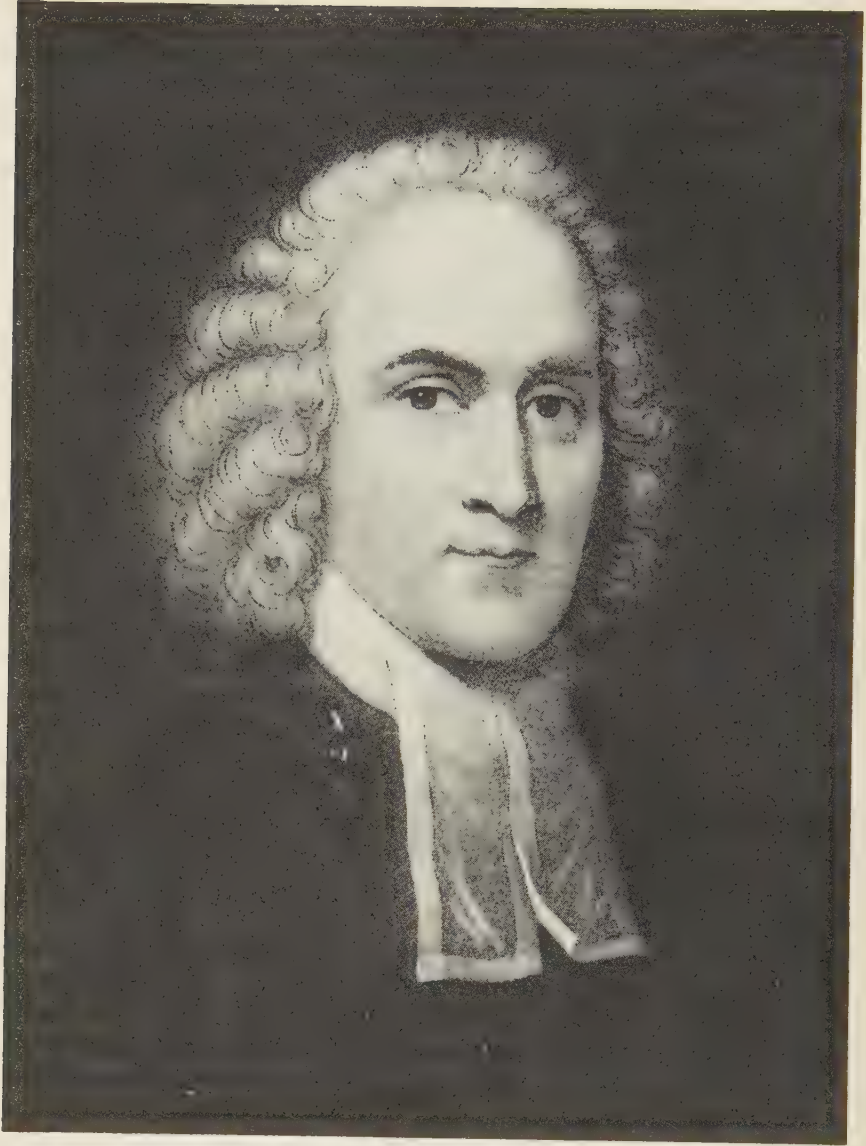
During the Seven Years' War, from 1756 to 1763, Spain entered the war just long enough to be the loser on France's side. Consequently, at the peace treaty of 1763, the Spanish were forced to cede all of Florida to England. Florida was made a royal colony, and the Florida-Georgia border fixed at the St. Mary's River—to the chagrin of Georgia, which demanded the line of the St. John's. But, in any case, Georgia had now seized jurisdiction over the trans-Altamaha region and the land of no-government was finally no more.

In the meanwhile, the ruling South Carolina oligarchy had executed a brazen maneuver; claiming sovereignty over the trans-Altamaha, Governor Thomas Boone airily granted almost 350,000 acres of its land to the two hundred leading planters of his colony, including Henry Laurens and Henry Middleton. Governor James Wright of Georgia promptly protested to the Crown over this arbitrary land grab; the engrossment by land speculators

would shut off an expected flow of settlers, the "sinews, wealth, and strength of an infant colony." Moreover, the grants were unfair to the people of Georgia, to the settlers who bore the "brunt and fatigue of settling a new colony." The Crown, however, proved reluctant to dispossess the grantees and this despite the fact that the peace treaty had granted the trans-Altamaha region to Georgia.

In 1765, Georgia decided in eminently fair fashion to confer land grants only to the extent that the land was cleared and settled, and the Crown finally approved a similar provision. As it turned out, the meager demand for this land during the remainder of the colonial era made the entire problem academic.

Despite its recent rapid growth, Georgia still remained the smallest and weakest English colony; its crippling heritage under trusteeship had not been fully overcome. But now it was set for further rapid expansion, especially as the Creek Indians were rewarded for their faithful alliance with the English against the dangerous Cherokees—by being forced to leave their lands in eastern Georgia.



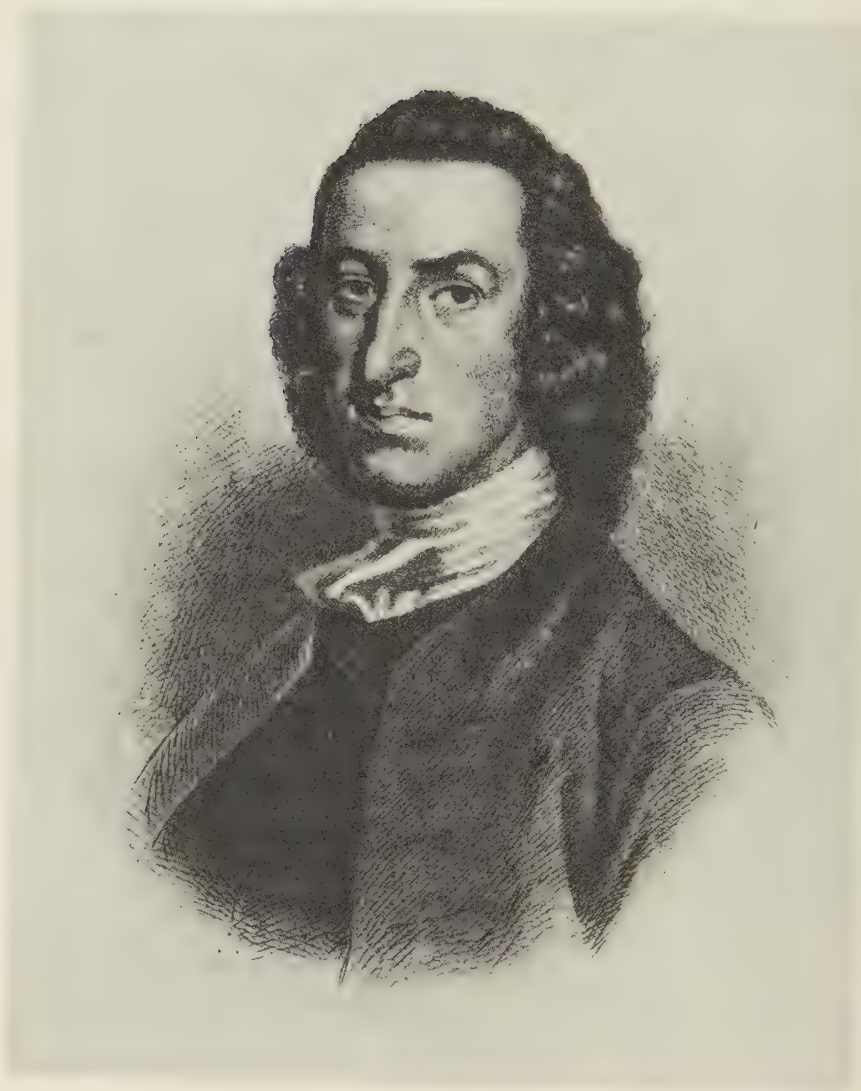
Courtesy of The New-York Historical Society

Jonathan Edwards



Courtesy of The New-York Historical Society

Burning Peter Zenger's Weekly Journal on Wall Street



Courtesy of The New-York Historical Society

William Livingston



Courtesy of The New-York Historical Society

General Oglethorpe



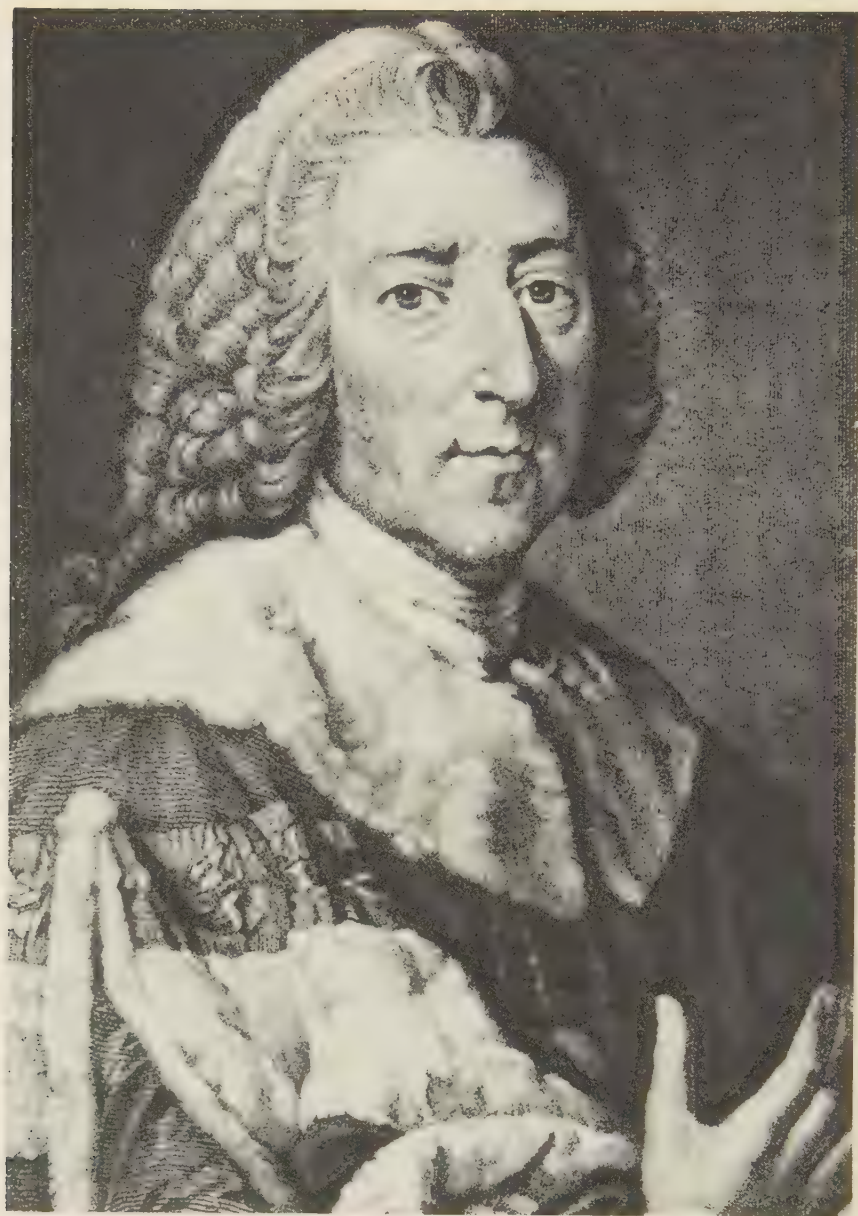
Courtesy of The New-York Historical Society

Benjamin Franklin in His Print Shop



New York Public Library

Thomas Pelham, Duke of Newcastle



Courtesy of The New-York Historical Society

William Pitt the Elder

PART II

Intercolonial Developments

26

Inflation and the Creation of Paper Money

So far we have been concentrating on the leading developments in *each colony* in the first half of the eighteenth century, in the "domestic" affairs, so to speak, peculiar to the colony. Now let us turn to the increasingly important experiences that were common to several or all of the colonies, experiences that helped to impart a greater degree of community in colonies that originated as completely separate and independent entities. Among these we can distinguish two categories: first, events and developments that, while still chiefly domestic to the colonies, permeated some or all of them (for example, such new developments as paper money or such intellectual currents as the Great Awakening) ; second, "foreign affairs"—that is, the emergence of common relations and problems outside the colonies, specifically relations with Great Britain and the British Empire, with the other European colonies in North America (France and Spain), and with the Indians (the last two spheres often blending). Many of the predominantly domestic questions, of course, had external ramifications, particularly *vis-à-vis* Great Britain.

Turning first to domestic developments shared by the various colonies in the first half of the eighteenth century, one of the most important was the creation of an entirely new and destructive economic device: paper money. Apart from isolated China, during the Middle Ages, money had always emerged on the market as a useful commodity: whether goods like tobacco and grain, as in the colonies, or the more widely used but more expensive gold and silver. In any case, the monetary commodity could only be produced as other goods were: by the use of labor and capital to transform material resources into more desirable forms—for example, by growing and picking tobacco or by mining gold. Again, as in the case of other goods, the monetary commodity could

then be acquired either by direct production, or by purchasing some other good or service and exchanging it for money.

National monetary units were not regarded as independent entities in any sense, but merely national names for units of weight of gold or silver. Hence, foreign coins of varying weights of gold and silver could and did easily circulate throughout the world, if unhampered by government regulations, since their value rested in their specie content rather than in their name. Until the seventeenth century, money *was* gold or silver or some other commodity, and there was no way to increase its stock except by purchasing more of the metal. The kings and princes, it is true, found a way to increase their share: by *debasement*—devaluing the specie content of the national coin and unit, and keeping the remainder, the “seigniorage,” for themselves.

Credit exchanges and merchant banking developed during the flowering of commercial capitalism of the medieval northern Italian cities. At first, these banking transactions promoted the advance of the market and of commercial capitalism without adding to or disturbing the supply of money. Eventually, however, some of the bankers began to accept deposits of money for safekeeping, and then began profiting on their depositors' money by lending out the money or lending newly created deposit claims on the money deposits. In this way, new money, or rather new *evidences* of money, was pumped into the economy essentially out of thin air, and by means of virtual embezzlement of depositors' funds.

Deposit banking did not loom large in the Italian or European economy, however, and failures by deposit bankers in Venice led to government banking based on true money-warehouse principles. In 1587, Venice established a deposit bank in which deposits were matched one hundred percent by money in the bank's vaults; therefore, no fraudulent or inflationary increase of the money supply could take place. By 1619, however, the government's need for funds and the temptation to cheat brought about a relaxation of the one-hundred-percent rule. Soon the one-hundred-percent principle was followed by new banks created in other cities, especially at Amsterdam in 1609 and at Hamburg ten years later.

In England, commercial banking began in the mid-seventeenth century with gold being deposited for safekeeping with London goldsmiths, who issued notes or book claims as evidences of gold deposited there. Since the depositors were the true owners of the gold, there were not supposed to be more such warehouse receipts than gold in the vaults. But eventually, the goldsmiths began to yield to the temptation of fraudulently increasing the money supply, through issue of pseudowarehouse receipts. Yet, before the late seventeenth century, there was no important amount of bank money or bank issues beyond gold or silver (and that generally ancillary to other financial business) and none at all in the American colonies. And there was no case at all concerning the issue of government paper money, let alone government

paper made a compulsory medium for payment of all debts ("legal tender").

We have seen above that when money remains exclusively a commodity (or as simply warehouse receipts fully representing the money commodity in the warehouse), it must be obtained by production or by exchange of goods. But bank money or government money, whether as tangible notes or demand deposits, is an increase in the effective money supply virtually out of thin air. What are the economic consequences of such an increase?

The important point about the economics of money is that once a commodity is chosen as money by the market, *any* amount of its supply is optimal. In short, no social benefit is ever conferred by an increase in the supply of money in society. This contrast to other useful goods is due to the fact that *money* is used only for exchange of other goods; it does not, like other goods, perform its service by being used up in production or consumption. Money exchanges with all other goods on terms set by the market. These terms, established by the interplay of market supply and demand, constitute the array of money prices in society. If the supply of money in society should increase, the purchasing power of each unit of money relative to goods will fall (that is, prices will rise); if the supply of money should decline, then the purchasing power of each unit will rise (prices will fall). In short, an increase in the money supply only dilutes the effectiveness of each unit of money (for instance, the gold ounce); a fall in the supply raises the power of each unit to do its work. Whatever happens to the supply of money, prices will thus adjust themselves so as to carry on the work of exchange as efficiently as possible. No one size of the money stock, then, is better than any other.

An increase in the supply of gold or silver, therefore, confers no social benefit by increasing the supply of money; prices will rise and the public will be no better off than before. The addition, however, does confer a social benefit by increasing the *nonmonetary* uses of gold or silver. But the creation through book accounts or paper issues does not yield this indirect benefit; *this* creation is wholly parasitical.

If the creation of bank money or government paper is not socially useful, this does not mean that its economic consequences are trivial or unimportant. Quite the contrary. For the creation of paper money *severs* the vital market link between production and income; for now nonproducers are able, so to speak, to "counterfeit," to create their own money and to use it to bid away resources from genuine producers. Money creation, in short, redistributes income and wealth from producers to legalized counterfeiters, and to the witting or unwitting beneficiaries of this counterfeiting. Second, this redistribution is effected by subtle and silent means, and this does not raise the opposition provoked by the more direct bludgeon of, say, taxation—and—government spending. Third, the *inflation* (issue of notes or deposits beyond the stock of specie) weakens and ultimately wrecks the integrity of the monetary unit. For the unit now must embrace pseudowarehouse receipts and fraudulent

"dollars" or "pounds" or "francs," which do not at all represent actual weights of the money commodity. As a result, all the users of the money will be hurt and will find their money declined in value. In fact, the market will quickly tend to depreciate the paper money or banknotes in relation to genuine money, and this might happen even if government bolsters the use of money by force (for example, by declaring it legal tender).

Creation of paper or bank money ("inflation"), therefore, confers a special privilege on some groups, at the expense of the producers and at the expense of the society's money. The groups that benefit include the first issuers and receivers of the new money, those who sell to them, and generally those whose selling prices rise because of the inflation before a rise in the prices of the goods they have to buy. These groups gain by imposing losses on those to whom the new money is the last to trickle down, that is, those whose buying prices rise before the prices of the goods or services they have to sell. Debtors always gain from the rise in prices caused by inflation; they can then pay back their loans in money of lower purchasing power than they had borrowed. Furthermore, if the new money is loaned out by government or banks, debtors may benefit from the artificially low interest rate on the loan. Creditors, conversely, are always among the groups injured by inflation, for they receive the inferior money, and interest return on further loans is artificially lowered if the new issue appears on the loan market. Landowners generally benefit from inflation. Land prices usually rise more rapidly than most other prices, and lowered interest rates have a particularly strong impact in raising the values of an extremely durable good such as land. Since landlords, especially speculative landlords, are often debtors as well, they have a multiple incentive for favoring inflation. Land speculators who borrow to invest in large tracts of virgin land have particularly gravitated toward the vanguard of the advocates of inflation.

American historians, recognizing the interests of debtors in promoting inflation as a subsidy for themselves, have generally made a grievous error in applying this insight to the American past. They have assumed that debtors and creditors are fixed, identifiable classes and that debtors have consisted of poor farmers, and creditors of wealthy urban merchants. The fallacies in this disastrous typology are numerous. *Debtor* and *creditor* refer not to fixed occupational categories. A man is not born into the status of debtor or creditor, and anyone may shift continually from one category to the other—or to neither one. Farmers may be in debt or out of it, and may even be creditors. Merchants are notoriously creditors and debtors both—and they may shift at any time from a net-creditor to a net-debtor position, or vice versa. And debtors are not necessarily poor. Indeed, it is precisely the wealthy who generally go most heavily into debt. After all, poor people generally do not possess a very good credit rating, and therefore are not often able to borrow even if they want to. Landowners are often debtors, but they may more likely be wealthy land speculators than dirt farmers.

As befitted their undeveloped economies, the American colonies during the seventeenth century largely relied for their money on their staple and hence their most widely marketable commodities; for example, tobacco in the Chesapeake Bay colonies, rice in South Carolina, poultry and corn and other grain in the North, and wampum in trade with the Indians. There has been much lamenting among historians about the "scarcity of money" in the colonies, reflected in the various commodity monies, and imposed by the Crown's prohibition on either colonial mints or the import of coin from England. The supply of commodity monies was, in the first place, appropriate for the low level of economic development and the limited scope of especially the internal economy of the colonies. Second, while lack of a mint was inconvenient, it was not important, for gold and silver, bullion or coin, could be bought (imported) at any time they were deemed necessary. And so they were; neither did the colonies suffer irretrievably from the imposed lack of English coin. By the late seventeenth century, abundant Spanish silver coin and Brazilian gold coin existed in the colonies, coin that was used in urban centers and in foreign trade, where wampum and the other commodities were not highly welcome as *money*. Commodity money flourished within the rural districts, where indeed much trade was carried on by simple barter without even a commodity intermediary of exchange.

While mercantilist fallacy and hoarding of specie led England to keep its specie out of the colonies, Americans continued to keep their accounts in English units. The English shilling consisted of eighty-six grains of silver, while the most popular coin in the colonies, the Spanish piece of eight, or dollar, obtained from the West Indies trade, weighed 387 silver grains. Hence, rationally, by their silver content, one pound sterling exchanged for \$4.44, and one dollar exchanged for four shillings six pence of English money.

But the colonies too were prisoners of mercantilist fallacies and were also concerned to force specie to remain in the colony (that is, to force it not to be used to its best advantage in importing goods). Consequently, they decided to juggle the standards of weight of money, and debased the money. The process began as early as 1642, when the government of Massachusetts arbitrarily decreed that the Spanish dollar be valued at five shillings. Connecticut followed a year later. This meant that the Massachusetts and Connecticut shillings, as the units of account, were now arbitrarily devalued in terms of dollars. The aim of this juggling was to attract dollars into the colony; if a silver coin could be worth five shillings instead of four and a half, then coins would be attracted into the place where they were valued more highly. In short, debasement of the unit of account, as in all currency devaluations, amounted to an artificial lowering of Massachusetts and Connecticut prices in terms of dollars, so that exports from these colonies received in mercantilist fashion an artificial subsidy. If exports were encouraged by the debasement, imports from abroad were similarly discouraged and this could only injure the colonial consumers dependent on foreign goods. This sort of artificial stimulus and

burden could only be temporary, however. Soon domestic prices, stimulated by the increased demand, would increase proportionately to the fall in value and the exporters' windfall would then be over.

As soon as one colony began the process of debasement, others followed, to avoid specie flowing elsewhere. Soon, indeed, the colonies began to engage in a disastrous competitive debasement, continually spurred to greater heights by the catching up of domestic prices—by the wearing off, in short, of the narcotizing dose.

The process, as we can see, was ruinously inflationary. The supply of money increased, to be sure, not through an increase of paper tickets or claims to money but by artificially increasing the nominal units of money in terms of actual money. In 1645 Virginia raised the value of the dollar to six shillings, and from 1671 to 1697, nine colonies advanced the dollar and—to make the matters more confusing—at varying rates. The general level was six shillings to the dollar. But New York advanced the dollar to six shillings nine pence and Pennsylvania and West New Jersey to seven shillings six pence. Virginia and Maryland had an additional incentive for debasement of the shilling: many of their planter oligarchs were in debt to English merchants and they were eager to repay shilling debts in appreciated dollars. But for similar reasons the English creditors were determined that these colonies not devalue; so Virginia and Maryland were restricted in further debasement, Virginia being forced to lower its valuation to five shillings. The result was that the tobacco colonies soon lagged behind the others and coin began to drain from there to Boston, Philadelphia, and New York. This meant, however, that Southern planters began to buy their supplies from the Northern merchants artificially favored by debasement rather than from the English merchants.

England finally decided to stop the competitive debasement and to insist on a uniform evaluation of money throughout the colonies. The English decree was, in fact, not only overdue but also excessively lenient. In 1704 the Crown proclaimed six shillings as the maximum value of Spanish dollars, thus allowing a one-third rise from the real free market value of four shillings six pence. The proclamation had no provision for enforcement, however, and so the Northern colonies and South Carolina continued to stamp a higher value on the dollar than did Virginia and Maryland. Consequently, Parliament enacted the proclamation into law in 1707 with penalties for violations.

The colonies soon found another way to juggle monetary standards fraudulently and at the same time evade the regulations. Forced to assign a certain shilling value to Spanish dollars, the colonies turned to arbitrary changes in the value of silver itself. The true sterling value of silver, gauged by the silver content of English money, was five shillings two pence per ounce of silver. At the depreciation of silver set by Parliament's maximum of six shillings to the dollar, an ounce of silver was worth six shillings ten pence. But the colonies now began to raise the shilling value of silver, generally to eight shillings per ounce or even higher. When England properly protested this patently crude

violation of the law, the Assemblies of Massachusetts and New York refused to appropriate money for the government, except at their own proclaimed higher rates, and thus won their way. Neither did the other colonies bother to obey the law, with the exception of Maryland and Virginia, where the maximum continued to be rigorously enforced. Indeed, Virginia set silver even *lower* than the proclaimed maximum at five shillings two pence per ounce.

Jealous of the royal sovereignty and its alleged right to monopolize the mint, the Crown forbade mints in the colonies. During the Republican era, however, Massachusetts, alone of the colonies, established a mint in 1652. The mint was leased by Massachusetts to John Hull, who was allowed a fixed rate of seigniorage on each coin. In minting "pine tree" shillings, Massachusetts propelled the debasement process, coining the shilling at seventy-two grains instead of the full weight of eighty-six. This amounted to an evaluation of six shillings to the dollar. The existence of the mint was one of the Crown's grievances against the recalcitrant Bay Colony, and in 1684 it forced the Massachusetts mint to close down.

The colonies, including Massachusetts, vainly attempted to thwart economic law by barring the export of specie, but they could not succeed even with extraordinary powers of search and such penalties as outright confiscation of estates.

It soon began to dawn on the colonists that there was a far easier way to inflate the money supply, and to a far greater extent, than by juggling the standards of weight or value of money: the creation of money out of mere paper. In 1641 the English mercantilist Henry Robinson hailed the Italian banks, able to inflate banknotes beyond the stock of specie. Nine years later, William Potter in the *Key of Wealth* argued with consistent logic that if an increase of money is beneficial, a perpetual increase would be still better. The creator of numerous such schemes, Potter would have his notes "secured" by the nation's land. Potter failed to see that the price of land increases, along with other assets, in an inflation, so that land would hardly check a paper inflation. He also failed to see the essence of bank money and its value as a claim to standard money.

A "loan bank" to issue vast quantities of new money, particularly a "land bank" to lend on landed security, naturally enchanted leaders in New England. In 1663, Governor John Winthrop, Jr., of Connecticut urged land banking upon his fellow members of the English Royal Society. Taking the lead in proposing a land bank was the influential Reverend John Woodbridge of Newbury, Massachusetts. Woodbridge, directly inspired by Potter, proposed a bank that would issue and lend notes. Woodbridge tried the scheme abortively in 1671 and 1681, and then set forth his views in trying to organize a "fund" bank in 1682. Increased money, wrote the reverend in a nutshell, "multiplies trading; increaseth manufacture and provisions; for domestic use, and foreign return; abateth interest."

The first land-bank proposal with a good chance of being established came

in Massachusetts in 1686. It is also a particularly instructive example of the kinds of forces behind the inflationist proposals. The originators of the scheme were emphatically *not* poor debtor-farmers. On the contrary, they were precisely the ruling oligarchy of Massachusetts.

The year 1686 saw Massachusetts ruled by Joseph Dudley and his associates in plunder. On assuming office, Dudley and his Council appointed a committee of leading merchants and other citizens to study trade conditions. The committee, led by Captain John Blackwell, reported with a proposal for a bank whose notes would be forced on the people as legal tender. The plan was to include all the leading oligarchs of the Dudley era in the directorship of the bank: Dudley himself, William Stoughton, Wait Winthrop, Simon Lynde, Elisha Hutchinson, Elisha Cooke, and others. No notes were to be issued below twenty shillings in denomination, to ensure that the bank would be largely limited to the wealthiest citizens. The bank was to have no specie capital whatever, though individual directors were to bear responsibility. The plan was abandoned with the arrival of Andros. The Glorious Revolution, in 1688, inspired new talk of the Blackwell bank, but again the proposal fell through.

Paper money finally came to Massachusetts not in the form of a land bank's notes, but as the first issue of government paper money in the world, apart from medieval China.* Paper money can be issued either by government for direct spending, or by a bank, public or private, that lends out money to the public. While the former is cruder and more flagrant, it actually has less harmful repercussions on the economy. For, given the same amount of monetary issue, lending out the new money inflicts additional distortion on the loan market and interest rates, which fact generates the familiar features of the boom-bust trade cycle.**

The fateful plunge of Massachusetts into paper money came through direct spending rather than lending. Massachusetts had engaged in an expedition of plunder against French Quebec, an expedition it hoped would more than pay for itself. But as luck would have it, the expedition failed ignominiously, and Massachusetts was faced with the grave problem of paying the salaries of its soldiers who were on the edge of mutiny. The Massachusetts government tried to borrow from three to four thousand pounds from Boston merchants, but evidently its credit rating was far too low. Proceeding upon the principle that if it could not raise money it must print its own, Massachusetts decided in December 1690 to issue 7,000 pounds in paper notes. Now the government knew that it could not simply print paper irredeemable in specie labeled

*There is a single exception: the Card Money of Quebec. In 1685 the governing *intendant* of Quebec, Monsieur Meules, decided to augment his funds by dividing some playing cards into quarters, marking them with various denominations, and then issuing them to pay for wages and materials. Meules took the precaution of ordering the public to accept the cards (that is, legal tender); the cards were later redeemed with specie sent from France. Used repeatedly in Quebec, the money became playing tickets rather than playing cards.

**For an explanation, see Murray N. Rothbard, *America's Great Depression*, 2d ed. (Los Angeles: Nash, 1972), pt. 1.

pounds; for then no one would have accepted the money. The market value of the money would then have plummeted sharply in relation to dollars or sterling. Massachusetts therefore made a twofold pledge as it issued the notes. It promised to redeem the notes in specie out of revenue in a few years and it pledged to issue no further bills. In fact, the bills continued in use for almost forty years and the pledge limit evaporated in a few months. The heady attraction of printing one's own money is always enough to overcome initially timid limits. As early as February 1691, Massachusetts acknowledged that the emission "fell far short," and so it proceeded to issue 40,000 pounds of new money to repay all of the colony's debts, again pledging this issue to be the final limit.

Massachusetts indeed found very quickly that its "scarcity of money" could not be relieved by creating more. In that era when people still had the right to own gold and silver, the loss of value of each unit of money was dramatized and intensified by market discounting of paper against specie. These discounts reflected not only the increase in the supply of money, but also rises or declines in its demand, governed largely by shifts in public confidence in the value of the new money.

The Massachusetts notes in fact began to depreciate against specie almost as soon as they were issued. In a year they had depreciated by as much as forty percent. Two pamphlets, issued in 1691, berated the people for being "delinquent" in permitting the notes to depreciate; they did not think to criticize the issue itself. The author of the pamphlets lamented that while some private bills were passing at par with specie, "our people (in this pure air) be so sottish as to deny credit to the government, when tis of their own choosing." In 1692, however, the government moved to the use of force and eliminated the discount in two ways: by making the government issues compulsory legal tender for all debts, and by granting a premium of five percent on all payment of debts to the government made in the paper notes.

From that point on, Massachusetts turned on the monetary engine for its public expenditures. The notes were still supposed to be redeemed eventually in tax revenues. At first the pledges were one year ahead, so that notes issued in 1702 were to be paid out of pledged tax revenues in 1703. As time went on, however, the future kept receding further and further, and more and more years of future revenue were pledged in advance. By 1714, six years of Massachusetts revenue were so pledged, and by 1722, future pledges stretched ahead by thirteen years.

The artificial maintenance of the paper at par had the unwanted effect of "Gresham's law": that when a poor and a superior money are kept at an artificial ratio by the government, the money undervalued by government will disappear into exports or hoards, and only the overvalued money will remain in circulation. In 1690, before the orgy of paper began, 200,000 pounds of silver money were available in New England; by 1714, 240,000 pounds of paper money had been issued in New England but the silver had disappeared

from circulation. Massachusetts had increased the inferior money in circulation, at the expense of displacing the superior. Furthermore, market depreciation against silver had only been checked for a time. The push of the Massachusetts issues over the brink came in 1711, when 500,000 pounds in notes were issued to pay merchants for the failure of another plunder expedition against Quebec. The issue led to the hoarding and exporting of silver, and to a thirty-percent depreciation against silver. For while the Massachusetts money was officially seven shillings to the silver ounce, it had now fallen on the market to nine shillings per ounce.

By 1714, Massachusetts, after a generation of hopefully alleviating its so-called scarcity of money, found itself with its silver gone and with the paper money, despite its efforts, rapidly depreciating. It was faced therefore with yet another "shortage of money" and with a crossroads: either it could begin to return from paper to silver or it could embark on a massive, eventually more than self-defeating, issue of yet more paper money. The former course was not seriously considered; instead a conflict arose on the proper inflationary path to follow. Merchants and debtors wanted to enjoy some of the blessings of cheap money, and a group of them tried to reactivate the land-bank plan of 1688. The leader of the private land-bank scheme was John Colman, a prominent Boston merchant and real estate speculator. Other leading supporters were Edward Lyde, a Boston merchant and heavy debtor in the 1711 expedition against Quebec; Timothy Thornton, Boston shipbuilder and real estate speculator; John Oulton and William Pain, Boston real estate speculators. The equally eminent objectors, headed by Attorney General Paul Dudley, son of the governor, prevailed with plans for further government issue. Specifically, the private land bank was rejected by the General Court and a public land bank established instead. The latter's notes were made legal tender and in 1716 it issued 100,000 pounds in notes to be loaned in real estate in the various counties.

The 1716 issue added at once a huge forty percent to the colony's money supply, and prices were raised so rapidly that objections to paper money began to be voiced. An anonymous pamphleteer in *The Present Melancholy Circumstances . . .* (1719) and *An Addition to the Present Melancholy Circumstances* (1719) pointed out that monetary issues had led to a doubled cost of living in twenty years, to depreciation and to the disappearance of Spanish silver through the operation of Gresham's law. The author advocated calling in some of the notes in order to increase the value of the money. He trenchantly concluded that a law can penalize and restrict, "but it can't change men's minds to make them think a piece of paper is a piece of money."

By 1718, Massachusetts had made a valiant effort to reduce its bills in circulation, by allowing retirement of notes as loans were repaid. But by this time the other colonies had taken a lesson from Massachusetts, and New England colonies were bound to honor each other's notes. Long Island had already issued 40,000 pounds in legal tender "loan bills." As a result, the

price of silver in New England shillings continued its disquieting rise: by 1720 it had climbed to thirteen shillings per ounce.

With depreciation worsening and silver disappearing, the cry arose once more against a "shortage of money" and John Colman returned to the fray, again urging a private land bank to emit 200,000 pounds in notes. Colman urged farmers to support such a bank, since the increased currency would raise prices of farm produce and land. Colman also urged a law that would prohibit the depreciation of banknotes, and would fix the price of silver at eight shillings per ounce. Such a law would have been impossible to enforce and would have aggravated the shortage of silver by artificially overvaluing paper in relation to specie. Colman denounced the government bank for not being inflationary enough. The agitation for a private land bank was joined by the Reverend John Wise, but without success. Another public issue of 50,000 pounds in 1721 was enough to quiet the agitation, which was evidently concerned with more inflation rather than with private as against public banking.

Throughout the colonies the Crown, propelled by English creditors, was a continuing force for sound money, and its embattled governors attempted to veto paper issues and to moderate the inflationary drive. But the legislatures often threatened to withhold executive salaries and even issued money on their own authority. Increasing royal pressure on Massachusetts, imposed especially by Governor Jonathan Belcher after 1730, managed to reduce the notes in circulation by one-half by 1741; Belcher steadily enforced a limit of 30,000 pounds of notes per year to be payable in one year's time. Neighboring Rhode Island, however, with its elected governor, was able to go hog-wild, and its note issue, being acceptable in Massachusetts, thwarted the Belcher reductions. Thus Rhode Island emitted 100,000 pounds of notes in 1733 alone. As a result, silver rose further, to nineteen shillings per ounce, and by the late 1730s, to twenty-seven shillings an ounce.

The other colonies followed the lead of Massachusetts during Queen Anne's War, to pay for military expenditures. South Carolina was the first to issue paper—in 1703, to pay for an abortive plunder expedition against St. Augustine. Rhode Island began its reckless career of inflation in 1710, to pay for its share of an aggressive expedition against Port Royal in Nova Scotia.

By 1740 the following colonies had indulged in paper issue for government spending: Massachusetts, Connecticut, Rhode Island, New York, New Jersey, South Carolina, and North Carolina. Public loan banks were initiated by South Carolina in 1712, for loans on real or personal estates. Almost all the other colonies followed suit. By 1740, only Virginia had refused to join the ranks. The Carolinas, indeed, had indulged so heavily that the price of silver rose to thirty shillings in 1730, and paper money played a large role in South Carolina's rebellion against the proprietary, which had refused to assent to paper money. Other struggles between legislature and governor took place in New Hampshire, where during the 1730s the legislature refused all funds for five years in order to win its way for paper issues; and in New Jersey and

New York, which did the same. In all the cases, the legislature was able to use its control of funds to win its point.

Down to the middle of the eighteenth century, Virginia was content with a decidedly noninflationary form of paper money. From 1713 on, the Virginia government established public tobacco warehouses, which issued warehouse receipts called "tobacco notes," backed one hundred percent by the amount of tobacco in the warehouse. These notes then functioned as a perfect equivalent to commodity money in tobacco. By the time of the French and Indian War in the late 1750s, however, Virginia moved to issue paper money as part of the financing of its role in the war effort. Interestingly enough, the first advocate of government paper issues in Virginia during the French and Indian War was Landon Carter, one of the largest and most influential tobacco planters in Virginia.

Most reckless of the colonies was Rhode Island, which was also particularly lax in waiving repayment of interest and even principal on the loans. The loan banks in Rhode Island were controlled by a few government favorites, or "sharers," who loaned out the money at five percent higher than they bought the new issues from the government. The sharers often sold this five-percent guaranteed privilege to others for premiums as high as thirty-five percent. In 1759 over fifty thousand pounds of outstanding loans in Rhode Island were found to be unpaid and uncollectible, and this constituted a full eleven percent of the outstanding note issue for the land banks of that colony.

The Rhode Islanders had a particular economic incentive for their wild issue of new money. A small colony with many purchases to make in Massachusetts Bay, Rhode Island's money was accepted at par in the neighboring colony. Hence the incentive for Rhode Islanders to print themselves new money that could easily be spent before prices in Massachusetts could rise by the same amount—thus imposing the main cost of their inflation upon the people of Massachusetts.

If Rhode Island was the most inflationary of the colonies, Maryland was the most bizarre. In 1733 Maryland's public land bank issued 70,000 pounds of paper notes. Of these, 40,000 pounds were loaned out in the usual manner of landed security; but the remaining notes were *given away* in a fixed amount to each inhabitant of Maryland. This was done to spend and universalize the circulation of the new notes, which, of course, quickly depreciated. However, the impact of the new paper was greatly lessened by tobacco still being the major money of the colony. Tobacco was legal tender in Maryland and the paper was not receivable for all taxes.

All the colonial paper was made legal tender, it being recognized that otherwise the paper would not be accepted in private debts. The legal tender was at the official par value in specie, but this coercion was not enough, as we have seen, to prevent grievous depreciation even though backed by fines, imprisonment, and complete confiscation of property in punishment for not accepting the paper at par. And as we have also seen, complaints of a scarcity of money

followed each new emission of paper, and set up a clamor for still more accelerated inflation.

Hardest hit by the severe depreciation of all the notes were nondebtors, especially creditors, fixed-income groups, charitable endowments, and laborers, whose wages—as has generally been true—rose less than prices. Thus in 1712, when silver in Massachusetts was priced at eight shillings per ounce, wages of laborers averaged five shillings a day; in 1730, with silver appreciated to twenty-nine shillings an ounce, wages were only twelve shillings a day. In short, the price of silver (a reflection of the price movements of imports and indeed of prices in general) rose three and one-half times, while wages had risen only two and one-half times.

By 1740 the indefatigable Colman was ready to renew agitation for a private land bank in Massachusetts. The critical factor in amassing support was the change in Massachusetts land policy. Before 1720, the province had required actual settlement before granting new land to private persons or groups. But after that date, Massachusetts engaged in an orgy of grants to land speculators, who held title to the virgin land until they could resell to actual settlers at a profit. This land speculation was particularly rampant during the 1730s; much of the land was on the New Hampshire border, where a boundary dispute prevailed with the neighboring colony. The new host of land speculators was anxious for an inflationary land bank.

Through the 1730s the Massachusetts General Court had been able to evade Governor Belcher's restrictions on paper issues by postponing debates on redemption. Finally, in 1739, the Crown insisted the bills be called in and redeemed on the dates due. This meant that the 250,000 pounds of paper in circulation would have to be reduced to the annual 30,000-pound limit by 1741. One way to evade this restriction, however, would be to set up a private land bank, and at the invitation of the General Court for suggestions for ways to inflate the money supply, John Colman resubmitted his old scheme. While it was largely a land bank emitting irredeemable notes, Colman broadened the appeal by permitting loans on personal property as well. It was also proposed that loans be repayable, not only in banknotes but also in such commodities as hemp and iron—the aim being to subsidize local manufacture of these products. A competing group of merchants made a rather sounder proposal, the notes of which bank could at least be redeemable in specie after fifteen years. Both proposals were led by prominent and wealthy citizens.* The Assembly

*While the competing silver bank was backed by such wealthy Boston merchants as James Bowdoin, Samuel Welles, Joshua Winslow, and Andrew Oliver, the subscribers to and directors of the land bank included Samuel Adams, a wealthy Boston brewer; Peter Chardon, son-in-law of Colman and one of Boston's wealthiest merchants; the wealthy Roxbury lawyer and landowner, Robert Auchmuty; George Leonard of Norton, a large iron manufacturer and one of the biggest landowners in New England; and Samuel Watts, a merchant who owned a third of the land in Chelsea. Throughout the towns of Massachusetts, large landowners and land speculators were conspicuous in the ranks of land-bank subscribers.

avored the land bank, but Governor Belcher and the Council refused to agree to either scheme. Failing to obtain incorporation, both the land bank and the silver bank proceeded to print new money anyway, during 1740, and Belcher was not able to persuade the Assembly to outlaw these emissions.

The new land bank issued over 49,000 pounds in notes, a hardly risky enterprise since the bank could issue pure money without having to redeem it in anything else. Governor Belcher promptly and properly used his position to warn the people of Massachusetts against this private inflation. He warned that the notes were unsound and "tended to defraud men of their substance." Belcher also formed an alliance with the silver bank, persuading the latter to make its bills far sounder by agreeing to redeem them in specie upon demand. The silver bank refused to accept land-bank notes, while the governor removed all government officials who received or paid land-bank notes, going to the extent of prohibiting lawyers from receiving the notes when pleading cases before the Council. Many merchants and businessmen—including 145 in Boston, and seventy-four in Newport—publicly agreed not to accept any of the unsound land-bank notes.

The idea of a land bank for one's own creation of money out of thin air enchanted many in Massachusetts. The number of subscribers to this open sesame for profit soon swelled from nearly 400 to over 900. Moreover, petitions for more land banks arose in several other towns and counties in the province. The enthusiasm, indeed, for the land bank was easily comprehensible; a majority of assemblymen were themselves subscribers. But if stockholders were delighted, the note holders were not. In six months' time the public was almost universally refusing to accept the notes.

Inflationists are always prone to blame everyone but themselves for the consequences of their own actions. As the land-bank notes began to depreciate, and to be refused in trade, land bankers began to mutter about a march on Boston to try to force merchants to accept the notes. The final blow to the mischievous land bank was delivered by Parliament, which in 1741 granted the request of several Massachusetts merchants and of Governor Belcher, and outlawed land banks in Massachusetts. The prohibition covered the silver bank as well.

We have noted the predominance of the wealthy and of large land speculators in forming the land bank. Unfortunately, historians have been misled by two contemporary opponents of the bank who denounced its supporters as being "plebeians" and "insolvents" of "low condition." In those days being poor and insolvent was deemed a reproach rather than an automatic badge of merit, and it is important not to be misled by the denunciations of contemporary opponents.

Hardly had the land bank and a return to sounder money begun, however, when the vast expenses on the self-defeating expedition against Louisbourg, on Cape Breton Island, led to a great inflation and expansion of paper money

in Massachusetts. In 1744, the total amount of paper money outstanding in Massachusetts was 300,000 pounds. With large amounts of new paper issued beginning in February, the total supply of notes in Massachusetts rose to 1,500,000 pounds in two years. In a short while, circulation of paper notes totalled 1.9 million pounds, and by 1748, the outstanding sum of paper money in Massachusetts had risen almost to 2.5 million pounds. The price of silver rose to sixty shillings an ounce, tenfold the amount at the beginning of the century. Original self-imposed limits on note issue had long since been forgotten, and early promises of yearly redemption were also forgotten as the period of future pledges of revenue gradually lengthened to twenty-five years. In some colonies, interest and principal on the loans were in extensive default.

The saga of paper-money inflation and its depreciation was repeated from colony to colony. Demands for more money, leading to depreciation and higher prices, set up further and accelerated clamor for yet more money to alleviate the continuing "scarcity." If the original par between sterling and the dollar is taken as 100, then sterling in Massachusetts was down to 133 in 1702 (one dollar equaling six shillings). By 1740, Massachusetts sterling had depreciated to 550, and by 1750 to 1,100—a depreciation of 11 to 1 compared with par. Depreciation in Connecticut had reached 9 to 1 by that time, and in North Carolina and South Carolina depreciation had reached 10 to 1. In virulently inflationist Rhode Island, sterling had sunk to 23 to 1. The least-depreciated paper was the least inflated, in Pennsylvania, but even here specie had appreciated to eighty percent over par.

Finally, after the end of King George's War, Parliament decided to grant Massachusetts a substantial sum as compensation for its expenditures during the war. Massachusetts wisely decided to use the funds to return to a hard money, and to redeem the paper at the current depreciated rate of $7\frac{1}{2}$ to 1. Connecticut followed with retirement of paper at a rate of $8\frac{5}{6}$ to 1, and New Hampshire retired some notes a few years later. The panicky opponents of specie resumption made the predictions usually made in such a situation: the result would be a virtual absence of money in the colony and the consequent ruination of all trade. They even threatened an uprising, and thus provoked a riot act for its suppression. After a temporary adjustment, however, this resumption, of course, led to a far more prosperous trade and production—the harder money and lower price attracting an inflow of specie. In fact, the prosperity wrought by hard money was dramatically embodied in the blow delivered to Newport. Newport had been a flourishing center of West Indian imports for sections of Massachusetts. But after 1750, with Massachusetts on specie and Rhode Island still on depreciated paper, Newport lost its trade to Boston and languished in the doldrums.

The English government, at the behest of the understandable complaints of English merchants and creditors defrauded by paper money, opposed the issue of paper money in the colonies. Royal governors had tried to repress the infla-

tion, but were defeated by the Assemblies' appropriations. Finally, Parliament in 1751 prohibited all further legal-tender issues of paper money in New England. Bills were to be redeemed when due. The colonies could still issue treasury notes for a brief period, but not with legal-tender powers. However, Virginia, the last colony to succumb to the lure of money creation, joined the pack in 1755 as did the new colony of Georgia. By the 1760s, Virginia paper had fallen to a discount of fifty to sixty percent. It attempted to form a public loan bank, but that was vetoed by the governor. In 1764, Parliament finally extended the prohibition of any further monetary issues from New England to all the other colonies, and it also required the gradual retirement of outstanding notes. The leniency on retirement, however, as well as the provisions for treasury notes, managed to keep a great deal of paper in circulation for the remainder of the colonial period. Although the new notes could not be legal tender, they were somewhat maintained in value by being made receivable in taxes. All in all, by 1774, the estimated monetary circulation in the American colonies was \$14 million, of which fifty to sixty percent was paper notes.

We have indicated that the drive for paper money was led by prominent men in each colony. The economic arguments were highly simplistic—basically that more money was needed and therefore should be printed. The Reverend Cotton Mather added such typical arguments as that "money is a counter" and paper money would be an advantage in never leaving the colony (that is, it wasn't really money since it could not be used for imports). Mather also denounced "hoarding" because it obstructed the circulation of money. It was often maintained that paper money did *not* depreciate, but rather that silver *appreciated*, due to demands for its export. Such an argument was used, for example, by Benjamin Franklin in his venal campaign for paper notes that he personally would be paid to print. Laying blame on the export of specie—as if it were an uncaused act of God!—was typical; thus Massachusetts thought that prohibition on the export of silver would arrest the depreciation of paper. Of course it did not!

It should be noted that the most enthusiastic supporters of the public land banks and paper money in Pennsylvania were the merchants, who were able to lobby effectively in England with the aid of Quaker bankers and merchants there. The wealthy merchant and land speculator Francis Rawle was one of the leaders of the paper-money movement in Pennsylvania. On the other hand, the proprietary, whose accruing quitrents were fixed in terms of money, strongly opposed "rotten" and "vile" paper money. In notoriously inflationist Rhode Island, Governor Richard Ward, a prominent Newport merchant, argued in 1740 that paper money had been spent on valuable public works and contended that its depreciation was due to the wickedness of the merchants rather than to economic law. The most prominent advocates of paper money in Rhode Island, it should be noted, were the Wanton family of Newport, two brothers of which were respectively the wealthiest merchant and the leading shipbuilder in the colony.

If merchants were the leaders in agitating for paper money, other merchants took the lead in opposition. At various times opposition to paper was expressed by Samuel Sewall, Thomas Hutchinson, and other prominent merchants of Boston; by merchants of Salem, Philadelphia, Hartford, Newport, and South Carolina; and by leaders of Providence and New York City. In 1750, a group of citizens of Rhode Island astutely charged that the main inciters of inflation were big landlords who had mortgaged their land in loans from the government, and who now wished to pay their debts in a relatively worthless currency.

In its argumentation the opposition began to develop the analysis of paper money that we have set forth above. The opponents pointed out, for example, that there is no sense to complaints of "scarcity" of money, since one can always *buy* specie on the market. They added that the clamor about "scarcity" was always worse *after* paper money had been issued than before. Thus, five keen Rhode Island legislators wrote in 1740 that "this bank would probably so far depreciate the whole paper currency, that we shall have in reality a less medium of exchange, and all complaints of scarcity of money greatly increased." And we have noted the contributions of the anonymous author of *The Present Melancholy Circumstances . . .* in remarking the consequences of paper money in depreciation and in driving out specie.

Unquestionably the leading hard-money theoretician of the colonial era was Dr. William Douglass, a Scottish physician and scientist, who had settled in Boston. Douglass, whose contributions were commended by Adam Smith and by important classical economists in the next century, began his rise to influence with his *Discourse Concerning the Currencies of the British Plantations in America* (Boston, 1740). The *Discourse* was also an important statement of the Massachusetts opposition to the land bank. Douglass wove together the various strands of our analysis. He understood the various fallacies of the scarcity-of-money outcry; the workings of Gresham's law; the distress that paper wreaked on creditors, laborers, and fixed-income groups, and the special privilege it conferred on debtors; and the depreciation caused by paper-money issues. Douglass understood that paper issues were a form of taxation on the public. He also saw that it is the increase of paper that renders the balance of trade unfavorable by adding to spending for imported goods. And finally, Douglass realized that increasing the quantity of money only depreciates the value of each unit, so that a larger supply of money does no better or greater work for society than a smaller. Conversely, specie instead of paper notes will lower prices, attract specie, and balance foreign trade. Douglass, however, was inconsistent enough to favor private bank notes redeemable in specie, which would not exceed a certain vague proportion of specie reserve.

One important repercussion of the land-bank controversy was its effect on political representation in Massachusetts. Far from a "seaboard aristocracy" being dominant in the Assembly, the law of 1692 had established representation in the Assembly of one or two from each town with the exception of

Boston, which could send four. This meant that as the colony grew and new towns were created, the Assembly became more and more heavily dominated by the rural towns. Furthermore, each representative had to be a resident of the particular town. Indeed, the small towns regarded themselves as over-represented: the smallest towns were not compelled to send representatives if they didn't want to, and the next smaller towns were repeatedly trying to extend this cost-saving privilege to themselves. Thus the cost and trouble of sending representatives were usually deemed greater than the advantages to be gained. Often towns accepted fines by the lower house rather than to bother sending representatives. Undoubtedly this lackadaisical attitude reflected the relative unimportance of government in the daily lives of the people.

The land-bank controversy, however, spurred the Massachusetts towns to sending more of their full complement to the legislature. Alarmed that the Assembly could use its increasing numbers to overwhelm the Council, Governor William Shirley vetoed the division of old towns into new, and urged that in the future no new districts have power of representation. This restriction on representation from new population centers was adopted by the British government and enforced in Massachusetts for almost two decades. Since the lower house already far outnumbered the Council and chose each new Council annually and jointly with the old, the Massachusetts Assembly was therefore already in effective control of the Council. The new policy thus provided an irritant to colonial relations without affecting the basic dominance of the Massachusetts lower house.

By the early 1760s the Crown was progressively forced to modify the ban on representation of new towns. The close of the French and Indian War led to a rapid population expansion in Maine, and the new Maine towns clamored for representation. The Lords of Trade finally agreed and consented to representation from new towns in Massachusetts proper, although they still balked at representation from newly divided towns. Finally, in 1767, the Crown gave up completely and abandoned its futile attempt to check the power of the Assembly by restricting its representation.

The Communication of Ideas: Postal Service and the Freedom of the Press

One of the most important domestic developments shared by the colonies in the first half of the eighteenth century was the emergence of more regular and effective channels for the sharing and dissemination of ideas. No newspapers had existed in seventeenth-century America, which had virtually no printing of any kind. Through that century Massachusetts was the only colony containing a press, and this was under tight censorship and government control. By the eighteenth century, printers had begun to spread throughout the colonies, and slowly a newspaper press emerged. Books and news still emanated mainly from England, but the colonies were slowly developing a press of their own.

Unfortunately, the press was long hobbled by tight government regulation, expressed first through prior licensing, then through the law of seditious libel and parliamentary privilege. Effective control of the press was also exercised through lucrative contracts for public printing, and by the valuable and ever necessary tie-in of the press with the royal postmasters, who had the power to exclude all papers but their own from the mails. Control through the important postal service was assured at the turn of the eighteenth century by the compulsory monopolization of the post in the hands of the Crown.

Postal service began in the early American colonies as freely competitive private enterprises of varying forms and types. Letters between neighboring villages were sent by special messengers, who were often Indians. For longer journeys, letters were carried by travelers or regular merchants. Letters to or from England were carried by private ship captains, who often hung a bag in the local coffeehouse to receive letters for shipment. The price was generally a penny for a single letter and two pence for a double letter or parcel.

Unfortunately, English precedent held out little hope for the unhampered development of a freely competitive postal service. In 1591 the Crown had issued a proclamation granting itself the monopoly of all foreign mail, and in 1609 the Crown's proclamation extended its own monopoly to all mail foreign or domestic. The purpose of this postal monopoly was quite simple: to enable governmental officials to read the letters of private citizens in order to discover and suppress "treason" and "sedition."

Thus, when the Privy Council decided in 1627 to allow merchants to operate an independent foreign post, the king's principal secretary of state wrote sternly: "Your lordship best knoweth what account we shall be able to give in our places of that which passeth by letters in or out of the land, if every man may convey letters under the course of merchants to whom and what place he pleaseth . . . how unfit a time this is to give liberty to every man to write and send what he list. . . ." And in 1657 when the Commonwealth Parliament continued the English governmental postal monopoly, the preamble of the act stated a major objective: "to discover and prevent many dangerous and bigoted designs, which have been and are daily contrived against the peace and welfare of this Commonwealth, the intelligence whereof cannot well be communicated, but by letter of script."

The first government meddling in the postal service in America came as early as 1639 in Massachusetts. At that time the government appointed Richard Fairbanks to be a receiver and deliverer of foreign letters for the price of one penny; no monopoly privilege was granted, and no one was prevented from using other postal intermediaries. The Dutch government in New Netherland went far beyond this when in 1657 it awarded itself a compulsory monopoly of receipt of foreign mail; anyone presuming to board a vessel first to obtain his own mail was fined thirty guilders. Ship captains were fined heavily for carrying letters for anyone except the government postal monopolist.

The first governmental postal service was established by Governor Lovelace in New York in 1673, primarily for carrying intergovernmental mail between New York and Boston, but the Dutch wars rendered this attempt abortive. Massachusetts and Connecticut established government posts in 1673 but only for governmental and not for private letters. In 1677 Massachusetts appointed John Hayward to carry private mail, and in 1680 Hayward was granted the monopoly of the postal business in the colony. Pennsylvania established a public but not monopoly post for private mail in 1683.

The specter of a single colonial monopoly was now beginning to loom on the horizon. Parliament had granted the revenues of the British post office to the Duke of York, and Governor Dongan of New York outlined in 1684 an ambitious scheme for a vast intercolonial system of post houses, a good part of the profit of which would also accrue to the Duke of York. The rates charged were to be three pence a letter, and more for letters carried over one hundred miles. This and similar plans, however, again proved abortive

None of these actions and restrictions had gone beyond one or two colonies. The true monopolization of the entire American postal service came in 1692, when the king granted a "patent" of monopoly privilege over all the American colonies for twenty-one years to Thomas Neal, a court favorite whom he designated as postmaster general. Neal's agent in operating the post was Andrew Hamilton, who also served as governor of East New Jersey and who persuaded some colonial Assemblies to pass legislation enforcing the monopoly. Thus, a New York law of 1692 prohibited posts from competing with Hamilton's, and prescribed postage rates ranging from four and one-half pence for nearby mail to twenty-four pence to more distant colonies. The enormous rise in postal rates from the days of free competition make clear how valuable the monopoly privilege was. Most of the colonies followed suit. The particularly free and independent colonies of Rhode Island and North Carolina, on the other hand, passed no enabling legislation at all.

Despite the enormous rise in rates, the postal monopoly suffered net losses, for the service was slow and inefficient—and undoubtedly Hamilton had priced himself out of the consumer market. But, typical of monopolists, his only suggested remedy was to raise the rates still further: from six pence to forty-two pence per letter. The U.S. postmaster general, however, incisively held that the proposed rates were much too high and that a greater revenue would be obtained by *lowering* rather than raising the rates, for then "the easy and cheap correspondence thus encouraged people to write letters." He also charged that the colonial governments did not grant enough subsidies to the posts and were insisting on free and special-delivery transmissions of all governmental letters. On Neal's death the patent of postal privilege fell partly to his creditor, Hamilton, and after Hamilton's death in 1703, the latter's creditors carried on the work.

In 1707, however, the Crown refused to consider renewing the grant and instead purchased the privilege back from the owners, for somewhat less than seventeen hundred pounds. The American postal service became from that point on a Crown monopoly. The Crown moved immediately to raise its postal rates. In the Act of 1711 it established a range of some four pence to six pence on local mail to one shilling six pence on letters to distant colonies. The act also appointed a royal postmaster general for the whole empire, with a deputy postmaster general stationed in New York to run the post for the English colonies on the American continent. The colonies proceeded to evade the postal monopoly and its charges more than ever before. Officially the bulk of the colonies accepted the imposition without protest, with the honorable exception of Virginia. Virginia pointed out that the establishment of postal rates by the Crown in effect constituted taxation, and a crucial point in Crown-colony relations was always that England could not impose taxation on the colonies without the consent of their Assemblies. The Virginia House of Burgesses therefore refused to grant any money for the post office and also passed laws crippling its operation. Virginia, however, was induced to join

the royal continental monopoly when its former governor Alexander Spotswood became deputy postmaster general in 1732. All in all, the Crown was no more able than Hamilton to make the postal service self-sufficient, and it continued to lose money.

The royal postmasters soon found a peculiarly unfortunate way to use their posts to enrich their personal coffers. The law made no provision for admission of newspapers to the mails, and so the various postmasters adopted the custom of publishing their own newspapers, circulating them in the mails, and prohibiting the post riders from delivering any competing papers. The effect on freedom of the press may well be imagined. Not that the *content* of the press was free anyway. Indeed, the first newspaper in America, the *Boston Public Occurrences*, had been issued by Benjamin Harris in 1690 and was suppressed by the governor and Council after the first issue for being critical of the war being prosecuted against France. The excuse was that the paper was unlicensed and therefore illegal.*

The first continuous newspaper in the colonies was the *Boston News-Letter*, a weekly founded in 1704 by Boston postmaster John Campbell. Campbell's paper, which kept carefully away from political criticism, was warmly approved and assisted by the Massachusetts authorities, by whom it was licensed despite the ending of press licensing in the mother country in 1695. Campbell asked for and obtained several governmental subventions for his *News-Letter*; his editorial policies were in keeping with this cozy relationship. When the tyrannical and widely hated ex-governor Joseph Dudley died in 1720, the *News-Letter* wildly exalted the deceased as "the glory of [his country]; early its darling, always its ornament, and in his age its crown." It was not until 1758, upon orders of Benjamin Franklin, deputy postmaster general for the colonies, that the repressive system of prohibiting the mails to the postmasters' competitors was ended, and the post was ordered to accept all newspapers at a uniform rate.

John Campbell's toadying weekly remained the sole newspaper in the colonies until about 1720, around which year two new papers were opened in Boston. One was the *Boston Gazette*, begun by Campbell's successor as postmaster and continued in turn by each succeeding postal officer. Campbell's old *News-Letter*, however, continued to be as fawning as the official organ of the royal postmaster. On the other hand, the other new Boston newspaper, the *New England Courant*, begun by Benjamin Franklin's older brother James, was a hard-hitting, critical, and unlicensed publication. The Franklins soon lined up the *Courant* with the lower house against tyrannical intrusions by the governor and the Council. The *Courant* could remain unlicensed because in the spring of 1721 Governor Shute had urged the legislature to pass a law for

*A licensing requirement for all publications had long been in effect in Massachusetts, and had effectively prevented the publication of "seditious" literature for over twenty years.

censorship through licensing of the press. The Council had approved it but the lower house had quickly rejected the bill

James Franklin directed much of his withering fire against the venerable despot, the Reverend Increase Mather. After Mather's standard invocation of the judgment of God failed to deter Franklin even a little, the old minister warned the public against the "wicked paper" edited by "children of the old serpent." Mather wistfully recalled that in the old days "the civil government would have taken an effectual course to suppress such a cursed libel, which, if be not done, I am afraid that some awful judgment will come upon this land, and the wrath of God will arise, and there will be no remedy." But this time Mather faced a foe who hit back as effectively as he received. It must have been liberating indeed for the Massachusetts citizenry merely to read in the *Courant* that Mather was a "reverend scribbler" who "quarrels with his neighbors because they do not look and think just as he would have them."

The Assembly's rejection of licensing did not mean, however, that the lower house was at all libertarian. Indeed the house's main reason for rejection was fear of aggrandizing executive power over the press at its own expense. Thus when James Franklin criticized the government for laxity in pursuit of pirates in the summer of 1722, both houses censored Franklin and summarily imprisoned him for a month on the simple order of the Speaker.

The Assembly continued to refuse to pass a press-licensing bill, but in early 1723, the *Courant* again angered the government. Both houses of the General Court then censored the paper and ordered the prohibition of Franklin's further publishing of the *Courant*. Franklin continued to publish the paper without a license and courageously continued to attack the government. The Council tried to arrest him for contempt, but Franklin cleverly managed to evade the legislative order by naming his younger brother Benjamin publisher of the paper, and the grand jury failed to indict.

The Franklin case ended prior censorship and licensing of the press in Massachusetts. This did not mean that the press was now free. As in all the other colonies, it was subject, albeit after publication, to the vague and pernicious common-law doctrine of seditious libel, affecting virtually any criticism of the government, and to the unlimited parliamentary privilege of a legislature to arrest and punish its critics. Of these the most pernicious and unchecked was the power of the legislature; as we have seen in the Franklin case, the legislature needed only to vote its punishment. It had no need for a nongovernmental expression of the people such as a grand jury to indict or a petty jury to convict. In the colonies the Assembly as well as the governor-and-Council could and did summon and invoke criminal penalties against anyone who it decided had impeached its behavior—or had traduced its honor or affronted its dignity. These were all seditious scandals against the government and punishable as a breach of parliamentary privilege.

That under these twin engines of oppression the press was still not free in

Massachusetts was dramatically illustrated the following year in the case of the Reverend John Checkley, the leading Anglican minister in Massachusetts. In 1719, Checkley had written a tract criticizing Calvinist doctrines. With the governor still exercising prior censorship, Checkley was prevented from publishing his essay. Returning from England in 1724 with a printed stock of his book, Checkley was denounced by the Council for "vile and scandalous passages . . . reflecting on the [Puritan] ministers of the gospel established in this province, and denying their sacred function and the holy ordinances of religion as administered by them." The Council ordered the attorney general to try Checkley, who was convicted of seditious libel, fined fifty pounds, and bonded for future good behavior.

There were virtually no intrusions on freedom of the press in Massachusetts in the next two decades, but only because this freedom was not exercised very vigorously. After Franklin discontinued the *Courant* in 1726, the newspapers settled down to being timid sheets with no editorial viewpoint of their own. The boldest publisher was Thomas Fleet, publisher of the *Boston Evening Post*. Fleet maintained the general practice of giving equal hearing to both sides of every controversial question, but more vigorously and trenchantly than did his competitors. For daring to publish unorthodox opinions, however, the ministers denounced Fleet and urged the magistrates to suppress the *Evening Post* as a "dangerous engine, a sink of sedition, error, and heresy." In the spring of 1742, Fleet published an item critical of Britain's conduct of the war with Spain, and the Council immediately ordered prosecution for libel against the Crown. Fleet was able to avoid prosecution, but only by proving the truth of the item in question. Thus newspapers were alerted to the narrow bounds within which they could engage in political comment.

In the fall of 1754 the Massachusetts lower house demonstrated its power to punish criticism as a supposed breach of its privileges. A pamphlet was anonymously written and published satirizing debates in the house on an unpopular tax bill. The lower house angrily denounced the humorous piece as a "false, scandalous libel," ordered the hangman to burn the pamphlet publicly, and to drag before it Daniel Fowle, suspected of doing the printing. Fowle was induced to confess his deed and to implicate his brother as well as Royal Tyler, a prominent merchant, as the author. Fowle did not, however, beg mercy from the lower house and he was summarily thrown into prison *incommunicado* on the mere charge of suspicion and prevented from writing to his wife. After five days of such imprisonment under foul conditions, the lower house bitterly reprimanded Fowle for publishing seditious libel and sent him back to his cell until he could pay the costs of the case. Tyler, in the meanwhile, had demanded a lawyer and, when this was denied him by the house, refused to incriminate himself by answering any questions. He was thrown into jail without bail but was suddenly released after two days along with Fowle's apprentice. After six days in prison Fowle himself was released to visit his

sick wife; the lower house finally bowed to an upsurge of public sympathy for the printer and did not resume its harassments.

Daniel Fowle, outraged at the injustice of the whole affair, wrote a pamphlet about the case, *A Total Eclipse of Liberty* (1755), and then bravely proceeded to sue the Speaker of the house, the house's messenger, and its jail-keeper for illegal imprisonment. But the inferior and superior courts ruled against the unfortunate Fowle. Government officials have rarely been liable for any deed done in their official capacity, these official duties apparently being enough to invoke a double standard of justice and criminality—one for ordinary citizens and the other for government officials.

The best-known and most highly touted case concerning freedom of the press in the colonies was the trial of John Peter Zenger in New York. Historians have been prone to wild exaggeration of the importance and significance of the Zenger case. A typical example: the case was a "monument to freedom" and "established the freedom of the press in North America." Actually it did nothing of the sort.

Before the Zenger case, there was little freedom to speak or publish criticism of the government. In the early eighteenth century the main enemy of freedom of criticism was the Assembly. Between 1706 and 1720 the New York Assembly prosecuted four such cases, one of which involved the mass arrest of nine people and another of seventeen grand jurors for "seditious" remarks about the New York Assembly. As for the press, the first newspaper in New York was the *New York Gazette*, founded in 1725. The only paper in the colony, the *Gazette* was the licensed and pampered organ of the government, its editor William Bradford also serving as the official public printer.

The arrival in 1732 of William Cosby as governor of New York soon set off a bitter factional dispute in the politics of the province. The historical zealots for Zenger have grandiloquently referred to the opposition to Cosby as the "popular party"; in reality the dispute was strictly between two factions of the landed oligarchy and the trouble was raised over extremely petty issues. The opposition was headed by such oligarchs as Lewis Morris, the Livingstons, and the Stuyvesants, while the Cosby faction was led by DeLancey and Philipse. There were here no great liberal issues or principled liberal opposition. To advance their cause, the Morris faction established the *New York Weekly Journal* in 1733, with the learned lawyer James Alexander as its editor and John Peter Zenger, of Palatine-German descent, as printer.

While the Morris faction was not rooted in vital issues, the slashing, bitter nature of the *Weekly Journal's* attacks on the administration was in itself a bracing exercise of the freedom of the press in an America that badly needed such an example. Furthermore, the corollary exposés of Cosby's tyrannies and misdeeds had a liberal effect even though not so intended by the authors. The articles were anonymous and written by various members of the Morris faction.

Cosby soon decided to strike back by moving against the vulnerable Zenger. Twice he tried to obtain a grand-jury indictment for seditious libel and twice the jury refused. He then ordered the public burning of the *Journal* and, on November 17, 1734, the governor and Council ordered the summary arrest of Zenger on the charge of seditious libel. Avoiding the need for a grand-jury indictment, the government placed the bail at the enormous sum of 400 pounds, forcing Zenger to remain in prison for nine months before coming to trial. Furthermore, for protesting Cosby's packing of the court with the two leading members of his faction—DeLancey and Philipse—the self-same court summarily disbarred his lawyers, James Alexander and William Smith. The Morris faction now secured the venerable Pennsylvania lawyer Andrew Hamilton, a stalwart of the proprietary party and patron of Benjamin Franklin, to argue Zenger's case.

The struggle against Cosby was not at root a popular or liberal affair. But in the Zenger case, it became transformed, for the already unpopular Cosby was now generally hated, and the popular sympathies were all with the defendant. On August 4, 1735, Andrew Hamilton won acquittal of Zenger by the trial jury. Two things were significant about this decision. First, Hamilton was able to persuade the jury to broaden its jurisdiction to cover the law as well as the facts. The customary practice, insisted on by the court, had been to limit the jury severely to deciding whether or not an item had been published by the defendant. It was then supposed to be the judge's role to decide whether the item was indeed libelous. Now Hamilton persuaded the jury to broaden its powers so as to decide the guilt or innocence of the defendant on the charge. Secondly, Hamilton defended the *Journal's* articles on the ground that they were true, and thus was able to establish a precedent for truth as a valid defense against seditious libel. This contrasted to the earlier despotic practice that "the greater the truth the greater the libel," since then government was put into greater public disrepute.

These were legal advances to be sure, but they hardly justify the paeans of praise that have been delivered for the Zenger decision. The important point is that the root evil—the common law of seditious libel—remained virtually intact. The jury is a protection against government judges, to be sure. But juries too can be despotic and rule against the liberty of the person. And truth as a defense is a very shaky reed, for in political criticism there is no simple and precise method of demanding "truth." If X prints the charge that Y is a tyrant, is this truth? And is a jury qualified to determine its truth? Should it have the power to do so?* For here is a wide path

*James Alexander, the legal mastermind of the Zenger defense, along with Andrew Hamilton, had conceded that "to infuse into the minds of the people an ill opinion of a just administration, is a crime that deserves no mercy. . . ." But how could a defendant be expected to *prove* the truth of the injustice of an administration, or a jury to decide? See Leonard W. Levy, *Legacy of Suppression* (Cambridge: Harvard University Press, Belknap Press, 1960), p. 136.

indeed for a despotically inclined jury, and juries have proved to be guardians of freedom only if the particular defendant happens to have been supported by public opinion (as in the Zenger case). Moreover, allowing each jury to decide the law in each particular case prevents the formation of a uniform law code so essential to the orderly administration of justice. Each jury would then be deciding the law of the case on its arbitrary whim, and no citizen could know in advance whether his utterances or writings would be libelous or not.

Furthermore, the Zenger case did not establish either of its two major contentions, narrow as they were, in English or in American law. English law did not accept the power of juries to judge guilt until 1792, or truth as a defense until 1843. In America, the chief justice of New York was still maintaining that truth did not constitute a defense against seditious libel as late as 1804.

Finally, perhaps the most important reason for belittling the importance generally given to the Zenger case is the fact that royal judges were not the major threats to freedom of the press in the colonial era. The main threat was the use of parliamentary privilege by which the Assembly or the governor-and-Council "tried" and punished the seditious libeler without benefit of jury. Trials for seditious libel at court were few and far between in the colonial period. It was in fact the very rarity of the phenomenon that gave the Zenger case its fame. Far more important were the actions of the legislature. As Dean Levy writes:

The traditionally maligned judges were . . . virtually angels of self-restraint when compared with the intolerance of community opinion, . . . the tyranny of governors . . . acting in a quasi-judicial capacity with their councils . . . [and especially] the popularly elected Assembly. That the law bore down so harshly on verbal crimes in colonial America was the result of inquisitorial propensities of the nonjudicial branches which vied with each other in ferreting out slights on the government. The law of seditious libel . . . was enforced in America chiefly by the provincial legislatures exercising their power of punishing alleged breaches of parliamentary privilege. . . . The [common-law courts] gathered a very few seditious scalps and lost as many to acquittals; but the Assemblies, like the House of Commons which they emulated, needing no grand jury to indict and no petty jury to convict, racked up a far larger score.*

The Zenger case thus made virtually no impact on the legislative oppression of the press even in New York, let alone in the other colonies.**

Furthermore, from 1745 on, the Assembly consistently prohibited the

**Ibid.*, p. 20.

**Clyde Duniway, author of the standard history of the freedom of the press in Massachusetts, notes that the Zenger case had no effect on the law or practice of that colony (Clyde A. Duniway, *The Development of Freedom of the Press in Massachusetts* [New York: Longmans Green & Company, 1906], p. 113n).

printing of the votes or debates of the legislature without prior authorization by the Speaker. Thus, even prior censorship on publication continued throughout the colonial period in the vital field of information on the proceedings of the legislature. In 1753, the printer Hugh Gaine published the king's instructions to the new governor of New York as well as the latter's speech to the Assembly. Immediately the Assembly summoned Gaine and demanded to know how he dared print any part of the proceedings without license or prior approval. Humbly abasing himself, the startled Gaine was released by the Assembly but only after it forced him to pay the costs of the case.

A more serious case occurred in 1756, when James Parker published an article on the depressed conditions of the country in his *New York Gazette*. The Assembly took this to be a grave reflection on itself, and summarily voted Parker and his assistant to be guilty of high misdemeanor and contempt of authority. Seized and hauled into the Assembly, the frightened Parker and his aide abjectly confessed their guilt and begged pardon, and showed their good faith by informing on the Reverend Hezekiah Watkins of Newburgh as author of the offending article. Despite their abasement, the editors were put into jail for a week by the Assembly, which also moved, of course, for the immediate arrest of the unfortunate minister. The Reverend Mr. Watkins proved to be no more heroic than his editors, begging forgiveness for his misplaced zeal. He too was jailed by the Assembly. Watkins was discharged the next day but only after being forced to pay the costs of his case.

Two years later, Samuel Townsend, justice of the peace in Queens County, sent a petition to the Speaker of the lower house asking for relief for some refugees stationed on Long Island. The Speaker denounced Townsend's letter as "insolent" and the Assembly then promptly ordered his appearance. When Townsend bravely failed to heed the summons, he was cited for contempt, seized, and hauled before the Assembly. Townsend surprisingly failed to show the usual abject humility. The enraged Assembly voted him clearly guilty of a high misdemeanor and "most daring insult" and threw him into prison. In this atmosphere, Townsend had ample opportunity to reflect on the error of his ways, and soon sent the house a profound apology and a promise to avoid all such misconduct in the future. The Assembly then graciously released Judge Townsend.

It is certainly significant that of the hapless defendants appearing before the New York Assembly twenty years after Zenger, none bothered to justify himself on the basis of liberty of the press. Editor James Parker, battling for his own conception of freedom of the press in 1759, summoned up the most enlightened of American opinion: "Liberty truly reigns," wrote Parker, where "everyone hath a privilege of declaring his sentiments upon all topics with the utmost freedom, provided he does it with proper decency and a just

regard to the laws." And the laws, let it not be forgotten, included punishment of seditious libel and breach of parliamentary privilege. Indicative of more reactionary opinion was an editorial in 1753 by a trio of prominent young New York lawyers and friends of Parker. These lawyers—William Livingston, John Morin Scott, and William Smith—radical republicans all, averred that wherever a printer "prostitutes his art by the publication of anything injurious to his country it is criminal . . . it is high treason against the state." Treason, of course, constituted a capital crime, in contrast to the mere misdemeanor involved in seditious libel.

Thus, far from the Zenger case establishing freedom of the press in either thought or action, we find New York opinion a generation later backsliding to the pre-Zenger status quo. James Alexander's narrow advance for the freedom of the press turned out to be an isolated spark rather than the spearhead of a mighty move forward. During the remainder of the colonial period, only Thomas Bollan (in 1766), an eminent lawyer in Massachusetts, reached the modest height of Alexander's devotion to freedom of the press.

Nor were the points pressed by the Zenger defense original, as some writers have stated. The principle of truth as a defense against libel was taken by Alexander from the famous *Cato's Letters* written in the early 1720s by two leading English liberals, John Trenchard and Thomas Gordon. The argument that the jury should decide the law as well as the facts in seditious libel was explicitly put forward in 1692 by William Bradford, defendant in the first criminal trial for seditious libel in the colonies.* Moreover, Bradford's trial judge was convinced by his argument and so instructed the jury, which deadlocked on the issue. Bradford's successful example was followed four years later in Massachusetts by Thomas Maule, a Quaker merchant, who had published a book attacking tyranny in Massachusetts Bay. Maule also succeeded and was acquitted by the jury, but on religious rather than on freedom-of-the-press grounds.

The case of William Bradford highlights an ironic aspect of the Zenger affair. Bradford was soon appointed royal printer by Governor Fletcher of New York, who at that time was briefly in control of Pennsylvania. Bradford's minimal devotion to freedom of the press, despite his own experiences, is shown by his editorship of the very fawning and licensed *New York Gazette* against which Zenger and his backers were rebelling. Bradford's reaction to the arrest of Zenger was characteristic: he condemned the defendant for publishing "pieces tending to set the province in a flame and to raise sedition and tumults." A further irony is the earlier role of the presumed champion of freedom of the press, Andrew Hamilton. In 1719, Bradford's son Andrew founded the first newspaper in Philadelphia, the *American Weekly*

*Bradford, the first printer to work in Pennsylvania, had been a member of the Keith faction of dissident Quakers, and for printing Keithian tracts he was charged with seditious libel.

Mercury. Three years later, the Council hauled young Bradford before it to answer the charge of publishing a pamphlet and article criticizing the government. Bradford not only humbly apologized but treacherously tried to place responsibility for the printing on his assistants. The governor and Council, not yet mollified, ordered Bradford that "he must not for the future presume to publish anything relating or concerning the affairs of this government or the government of any other of His Majesty's colonies without the permission of the governor or secretary of the province." Such was the state of freedom of the press in colonial Pennsylvania. The ironic twist is the fact that one of the councillors laying down this appalling and despotic order was none other than Andrew Hamilton.

As it happened, Andrew Bradford was again in trouble in 1729 when his *Mercury* published a letter critical of the British government. The Council of Pennsylvania denounced the letter as "a wicked and seditious libel." Bradford was jailed and his home and shop searched. Characteristically, Bradford saved himself by pleading innocence and naming the author as a Reverend Mr. Kimble of Long Island. Bradford was recommitted to jail for his sins but was finally released for his cooperative attitude. Again it is interesting to note that the recorder of the Council and one of the major persecutors of Bradford was Andrew Hamilton. Hamilton, moreover, was able to use the young and ambitious Benjamin Franklin to pursue a vendetta against Bradford: by aiding Franklin's new *Pennsylvania Gazette* against the rival *Mercury* and by giving Bradford's coveted public printing contract to his young protégé. It is no surprise that in this intercolonial struggle of factions, Andrew Bradford should join his father in taking a leading role in approving the persecution of Zenger. Bradford's acid stricture against Hamilton that a "single attempt on the side of liberty" hardly outweighed Hamilton's long record of hostility to a free press, is not refuted by the Bradfords' own lack of consistent dedication to the libertarian cause.

Neither did the Zenger case establish freedom of the press in the colonies beyond New York. We have already seen its lack of influence in Massachusetts. In 1758, the Quaker-run Pennsylvania Assembly decided to take revenge on its old enemy, the Reverend William Smith, an Anglican, a leader of the Proprietary party, and the head of the University of Pennsylvania. Smith was an outstanding advocate of war against the French and furthermore had proposed disenfranchising the Quakers. Smith's future father-in-law, Judge William Moore, had been investigated in late 1757 for conduct of his office. The judge's defense was printed in Smith's German-language newspaper (as well as in other papers) and the Assembly used this as an excuse to arrest Smith and Moore for criminal libel of itself. Moore was imprisoned for five days and convicted by the Assembly for "false, scandalous, virulent, and seditious libel" of itself. The public hangman was ordered to burn the publication, and the sheriff to keep him in jail

indefinitely and to ignore any writs of habeas corpus. After this act of high-handed despotism, the Assembly turned its tender ministrations to the Reverend Mr. Smith. Smith was now charged with abetting the publication of the vicious libel by Moore. The Assembly took the precaution of voting Smith's guilt by a large majority *even before* his so-called trial began, thereby launching the fascinating procedure of deciding upon the verdict before the trial was under way. The imprisoned Smith was denied bail and the Assembly took the further pretrial precaution of not permitting Smith either to dispute its authority or to argue that Moore's article was not a libel.

Witnesses against Smith and Moore were procured by intimidation. Smith's friend, Dr. Phineas Bond, first refused to answer questions against Smith. He was thereupon found guilty of "high contempt" by the Assembly, and thrown into jail for an indefinite period. After a few hours of this treatment, Bond changed his mind and gave testimony along with other chastened friends of Smith. Anthony Ambruster, printer of the German paper involved, also proved an easy mark for the Assembly. At first refusing to answer certain questions, Ambruster was committed to jail indefinitely; after one day he begged the Assembly's pardon and answered all of its questions.

The "trial" of Smith, with the Assembly functioning as prosecutor, judge, and jury with its verdict already pronounced, proceeded to its foregone conclusion. Smith was denied the privilege of appeal to the king, and was sentenced to jail until he should purge himself of his crime by humble submission and confession of error. Smith proved a tougher nut to crack than the witnesses. He rose to protest his innocence and, "striking his hand upon his breast, assured them no punishment they could inflict, would be half so terrible to him, as the suffering his tongue to give his heart the lie."* Smith also had the courage and the vision to invoke at least fleetingly the freedom of the press as part of his defense. Smith's noble and dramatic speech moved several people in the audience to burst into applause. They were of course promptly arrested, and only released after being forced to beg the pardon of the mighty Assembly. As for Smith, he was returned to jail for an indefinite term, and the sheriff was again ordered to disregard any writs of habeas corpus.

The embattled Smith and Moore petitioned the chief justice and the governor for habeas-corpus writs, but the highest court ruled that while the Assembly sat in session its power to punish for breach of privilege was absolute. Smith and Moore were only released when the Assembly was recessed in three months' time, but they were arrested again in three weeks when the Assembly reconvened. Fortunately, the Assembly adjourned for the summer and the hapless prisoners were again released. But, on meet-

*Levy, *op. cit.*, pp. 58-59.

ing again in the fall, the Assembly yet again ordered the arrest of Smith and Moore. This time the two victims had wisely turned fugitives and could not be found. In hiding, Moore courageously published another attack on the Assembly. Once again a new session of the Assembly reordered his and Smith's arrest. But Smith had fled to England to appeal to the Crown, while the Assembly continued to seek the elusive Moore.

In England, Smith's battle against the despotism of the Assembly was strenuously opposed by that great fighter for freedom, Benjamin Franklin, English agent for the Assembly. Finally, however, the Privy Council issued its ruling in 1759. It decided that Moore's criticism had indeed been a libel (thus continuing the law of seditious libel in full force), but ruled that the Assembly had no power to imprison for breach of privilege or to suspend the writ of habeas corpus. Their long ordeal over, Smith and Moore were finally allowed to return to Philadelphia. Future Assemblies, sad to say, paid little attention to the Crown's attempt to check their power to imprison the seditious.

The situation was about the same in the other colonies. The Rhode Island legislature and the New Hampshire Assembly each imprisoned a critic in the mid-1750s. If there were fewer cases in the South, it was only because the Southern press was more passive and more under government control. Virginia had no newspapers until 1733, and the government newspaper enjoyed a monopoly in the colony until as late as 1766. The Carolinas and Georgia came to enjoy the benefits of printing and of a nongovernment press even later. Clearly, there was little chance for popular opposition to the government to develop in the Southern colonies.

Freedom of speech was of course subject to the same severe restraints for seditious libel as was expression in the press. The record of persecution of opinion in the seventeenth century included the cases of Roger Williams and Anne Hutchinson, and the Baptists and the Quakers. In 1711, Governor Spotswood of Virginia issued an order threatening loss of life or limb or imprisonment to anyone daring to disseminate "seditious principles" in the province. The Virginia Council persecuted a justice of the peace in 1714 for "many seditious speeches" and a minister six years later for "false and scandalous speeches" against the Crown. In 1758, the Virginia House of Burgesses arrested the Reverend Jacob Rowe, professor of philosophy at the College of William and Mary, for a "scandalous and malicious" criticism of itself at a private party. Rowe was forced to beg the House's pardon and to pay its costs in the case.

There were few common-law prosecutions for seditious libel, but, as we have seen, this did not mean that freedom of expression in eighteenth-century America was well protected. In fact, its parlous state is indicated by the common-law trial in 1723 of two Pennsylvanians for uttering criticisms of the king. Upon conviction, the defendant who refused to confess

his guilt was sentenced to the pillory, and on two successive days was tied to a cart's tail and dragged around the city, whipped forty-one times, and then imprisoned until he could pay the costs of prosecuting him. The trial judge, Robert Asheton, instructed the jury herewith: "It is greatly impudent and presumptuous for private persons to meddle with matters of so high a nature; and it will be impossible to preserve the peace unless subjects will quietly submit themselves to those whom Providence has placed over them . . . what severity can be too harsh for those who thus despise dominions, and speak evil of dignitaries?"*

**Ibid.*, pp. 50-51.

Religious Trends in the Colonies

In the eighteenth century an established church existed in most of the colonies. However, there was a fair amount of religious liberty—except for Roman Catholics—apart from the existence of the discriminatory establishment. The first years of the century saw a successful royal drive, by liberal use of chicanery, to impose an Anglican establishment on the majority of Dissenters of North Carolina and South Carolina. Maryland had also been recently saddled with an Anglican establishment and Virginia had long had a state church. When Georgia was founded, it too acquired an Anglican establishment. Never was the Anglican church able to take firm root in these colonies, however, especially in dissident North Carolina; ministerial pay was sparse, and control was firmly exercised by the local vestries rather than by the church in Great Britain. Attempts to impose an Anglican establishment on New York and New Jersey were unsuccessful; local vestries in the former colony persisted in appointing Protestant ministers of other denominations, while the New Jersey Assembly, with a heavy non-Anglican majority, refused to pass an establishment law. Massachusetts and New Hampshire suffered a Puritan Congregational establishment while Connecticut's established church was essentially Puritan Presbyterian. Rhode Island, Pennsylvania, and Delaware, on the other hand, were completely free of an established church.

Roman Catholics were a small but uniformly persecuted minority. This despite the fact that there were virtually no Catholics, except in Maryland among the old Calvert aristocracy and among the Pennsylvania Germans. They were excluded from most of the provinces, and any suspected Catholic was treated with hate and fear as a menace to society, a subversive, and a probable agent of France or Spain.

By the first decades of the eighteenth century, religion, though still established, had lost its commanding power in society and its practitioners their old dogmatic zeal. The Puritan theocracy gradually but steadily dissolved during the latter part of the seventeenth century. Some of the reasons why Puritan zeal flagged were the debilitating effects of the growth of culture and worldly cosmopolitanism on it, plus the liberal trends emerging from within the Puritan church to become powerful in Harvard College, the very training ground of Massachusetts Puritanism. The liberal Puritans, incidentally, used the Salem witch-hunt effectively as an object lesson of the consequences of unchecked religious superstition and frenzy. In the Southern colonies, the Anglican establishment was largely a formal shell behind which religion *per se* had very little impact on the people. The Virginia squire, for example, was naturally and habitually a churchgoer and vestryman; but far more for institutional and social than for deeply religious reasons. The Anglican ministry had little influence in the Southern colonies, even though the vestry in the state church was the basic unit of local government. In fact, there is generally a clearly discernible correlation between the governmental perquisite of an establishment and the dwindling of religious zeal in the society. Even in dedicated Pennsylvania, as we have seen, recently intense Quaker zeal faded rather rapidly and a more worldly and less-principled Quaker generation replaced the old "holy experiment." Moreover, in Pennsylvania, the Quakers were by midcentury far outnumbered by other creeds. As for the Ulster Scot frontiersmen, they were almost devoid of ministers during much of this period. Hence religious activity slackened greatly in that numerous group.

The growing liberalization of the churches was also a function of the new spirit abroad in Europe: the great rationalist movement we know now as the Enlightenment. The intellectual emphasis in England was shifting from a Calvinist preoccupation with pure faith, divine revelation, and the depravity of man, to an Enlightenment belief in the supremacy of man's reason and in the possibility of his goodness and his progress. The Enlightenment emphasis was on individual liberty, including the sphere of religion. Isaac Newton's great achievement in the late seventeenth century gave a powerful impetus—despite the great physicist's own personal inclination—to the growth of rationalism. Here was a mighty achievement of man using his reason to uncover the hitherto hidden and mysterious laws of nature. For the eighteenth century, Newton's achievement had an enormously liberating impact. As the great poet Alexander Pope celebrated:

Nature and nature's law lay hidden in night,
God said: "Let Newton be," and all was light

And in America, William Livingston, future governor of New Jersey, hailed the "immortal Newton: whose illustrious name will shine on records of

eternal fame." Even the Reverend Cotton Mather incurred the distrust of such hard-shell Puritans as Samuel Sewall in 1714 by accepting the Copernican system. Clearly, even Mather was displaying a softness toward modern trends.

Newton's works graced libraries and private bookshelves throughout colonial America. Also very popular in America was John Locke's late seventeenth-century essay *Concerning Human Understanding*, which set forth an empiricist philosophy and psychology. The works of both Newton and Locke contributed to a more rationalist and liberal view of religion.

While liberalism made great strides in New England, it had by no means completely conquered Puritanism or even Harvard by the end of the first third of the eighteenth century. Despite the great fears of the orthodox that liberal, Arminian doctrines were spreading in New England, there were few Arminian ministers, and no Arminian works had yet been published in America. (Arminians were followers of the Dutch liberal theologian Jacobus Arminius [1560–1609], who stressed the moral freedom and responsibility of the individual to achieve salvation partly by his own merits.) Enconced in the theology chair at Harvard was the impeccably orthodox Reverend Edward Wigglesworth, and at Marlborough the Reverend Benjamin Kent was forced out of the ministry for his advanced liberal views.

Still, by the end of the first third of the eighteenth century, liberalism was advancing and religion was definitely declining as a vital force in the lives of the people.

The Great Awakening

Into this relaxing atmosphere came a great reaction, which has become known in rather loaded terms as the Great Awakening. Since the Great Awakening was certainly a peoples' movement, it has been dubbed as necessarily a progressive force by Marxist and neo-Marxist historians. But it was nothing of the sort. The Great Awakening was a profoundly reactionary counterblow to the emergence of a liberal and more rational and cosmopolitan religious atmosphere. It set itself determinedly against all that was enlightened, and constituted an attempt to return to the pure Calvinism of the previous century. This is particularly true of the form taken by the Great Awakening in New England, where the religious revival had its most eminent leader.

The founder of the Great Awakening in New England was the Reverend Jonathan Edwards, minister of the important inland town of Northampton, Massachusetts. Born in Connecticut, young Edwards, who came from a long line of Puritan ministers on both his father's side and his mother's, was graduated from and taught at Yale, the center of Puritan orthodoxy. He then took up his post at Northampton in 1727. Edwards was horrified to find Northampton happily filled with a most un-Puritan addiction to "mirth and jollity," including the frequenting of taverns. Edwards began to thunder at these modern corruptions, and moved on to rail at the rising menace of Arminianism and its "papist" view that salvation was a function of a man's free will and his consequent good works. What was happening to the good old creed of their fathers: of the depravity of man, of the predestination of the elect, of reliance on faith and not on reason? Was the pervasive Calvinist fear of hellfire and damnation to be replaced by the modern namby-pamby view that

God is love? To the sinners—and who is not a sinner?—Edwards warned: “The God that holds you over the pit of hell much as anyone holds a spider or some loathsome insect over the fire, abhors you and is dreadfully provoked; his wrath towards you burns like fire.”

It is possible to pinpoint the time when the rapidly growing influence of this oratory reached a crisis and accelerated and burst into flame: December 1734. Religious concerns swept the people of Northampton: “other discourse than of the things of religion would scarcely be tolerated in any company.” In an orgy of proclaiming their repentance, over three hundred people of Northampton soon professed conversion to the true faith. Children formed prayer groups to repent the monstrosity of their sins, and Edwards’ own uncle committed suicide in remorse. The intense religious excitement faded in Northampton by the spring, but the precedent had been set and the revivals of the Great Awakening spread to other towns in the colonies.

Apart from the content of the creed, the mechanism and strategy of the revival movement was profoundly reactionary: in contrast to the older Calvinism, it functioned by whipping up the emotions of the masses rather than by serving or convincing their intellect. With emotional frenzy and hysteria suspending sober and rational conviction, the leaders of the revivals soon reached the point of making this frenzy the acid test of a person’s true Christianity: a man, even a minister of Christ, was still a sinner unless he too had been born again, and experienced conversion by emotional hysteria.

Meanwhile, the Great Awakening had begun independently among Calvinists in New Jersey. It was launched there by the Reverend Theodore J. Frelinghuysen of the Dutch Reformed Church. Frelinghuysen arrived in New Jersey from Holland in 1720 and immediately began an evangelistic revivalism, attacking the sobriety and intellectuality of Dutch Reformed Orthodoxy. The new revivalism soon split the Dutch churches into pro- and anti-Frelinghuysen factions, which were battling furiously by 1723. In three more years, Frelinghuysen’s converts were increasing and spreading beyond New Jersey. A particularly important convert was the Reverend Gilbert Tennent, a young English-speaking Presbyterian who took up the task of spreading the revival among Presbyterians in New Jersey. Tennent and his ministerial brothers soon controlled the New Brunswick Presbytery of Central New Jersey, and emotional revivalism spread throughout rural New Jersey and to Newark, and on to Long Island and Pennsylvania. The revival encountered bitter opposition among the Presbyterian ministry, angry at the emotionalism of the new movement.

The various trends of the revival movement were soon fused into a Great Awakening by the first of the continental tours of the famous English evangelical preacher, the Reverend George Whitefield. Young Whitefield was one of the first members of the small Holy Club at Oxford

University, which stressed evangelical preaching to the masses and constituted the first of the Methodists. Graduated from Oxford in 1736, Whitefield was ordained an Anglican priest and soon won fame as by far the most popular and crowd-pleasing evangelist of the day. It was soon to become evident, however, that Whitefield was not a true Methodist, for while he and John Wesley used similar evangelical methods, Wesley was at once a liberal believer in free will and in more rigorous observation of the Anglican rite, while Whitefield cared little for ritual and a great deal for Calvinist orthodoxy. Whitefield and his followers soon broke off to form the Calvinistic Methodists.

Whitefield's important tour of America took place in 1739 and 1740 as he crisscrossed the colonies drawing enormous crowds, arousing great enthusiasm and cementing the whole revival movement. Harvard students were roused and converted en masse, and even the cynical Benjamin Franklin was greatly impressed. In contrast, the brilliant young liberal Jonathan Mayhew, studying for the ministry at Harvard, wrote bitterly of Whitefield's largely subliterate following; as for himself, "I heard him [Whitefield] once; and it was as low, confused, puerile, conceited, ill natured, enthusiastic a performance as I ever heard." Whitefield polarized the religious structure of the colonies by thundering his attacks against the dominant clergy and their parishioners.

All too many historians have been misled into treating this movement as a great lower-class protest against the wealthy and the dominant classes. An attack and a protest it was, but of what kind? Not any sort of egalitarian or Marxist rallying cry but a profoundly reactionary and demagogic appeal to the masses against the liberalism, cosmopolitanism, intellectualism, and sobriety of the religion of the day. In short, this was a cry of mystical religious fundamentalism against the trappings of civilization that had begun to emerge in America. Whitefield denounced Christians and their ministers for not having experienced their Christianity in an emotional frenzy. He deplored colleges such as Harvard for being seedbeds of liberalism. He vilified the luxuries of the rich. That this cry appealed to the lower classes—indeed to many people of all classes—is beside the point: this was a religious and not an economic class movement.

Whitefield's triumphal tour introduced him to his admiring allies Tennent and Edwards. Tennent was moved to level a bitter attack on the "unconverted ministry," and, to the applause of Whitefield and other evangelists, joined in trying to weed out of Christianity all those ministers who did not support the revival movement.

Whitefield's preaching in Northampton brought a dramatic new upsurge of revivalism to New England. During early 1741, Edwards and other ministers became itinerant evangelists throughout New England, arousing demonstrations of frenzy and huge crowds. Edwards warned of "sinners in the

hands of an angry God" and the Reverend James Davenport from Long Island denounced the bulk of the Massachusetts ministry as "unconverted and . . . leading their people blindfold to hell."

These bitter attacks of course provoked a countermovement in the churches. The reaction as well as the attacks spread through various denominations. As we have seen, Whitefield paid no attention to the Anglican creed and made his appeal to all Calvinists. The polarization in Massachusetts and New England especially highlights the nature of the Great Awakening itself. For the opposition to the Great Awakening consisted of two disparate groups: the conservatives like the Reverend Mr. Wigglesworth, aghast at the emotionalism and antiintellectualism of the revival; and the liberals, headed by the Reverend Charles Chauncy of the First Church of Boston, who opposed virtually everything the Awakening stood for. The criticisms of the two groups unsurprisingly differed. Wigglesworth centered his attack on the disorderly individuality of the revival movement, whereas Chauncy in his *Seasonable Thoughts on the State of Religion in New England* (1743) concentrated on its fundamentalist emotionalism. By the very nature of polarization it was inevitable that the most thoroughgoing group of critics, the liberals, should take the lead in attacking the Great Awakening. Epitomizing the liberal-rationalist attack on the Awakening in the colonies was this statement by "Philaletes" in the *South Carolina Gazette*: "As none but rational creatures are capable of religion, so there is no true religion but in the use of reason . . . if we do not make it our own by understanding the reasons for it . . . we offer to God the *sacrifice of fools*, in which he has no pleasure."

The Congregational ministry soon split into the "New Lights," who joined in the Awakening, and the "Old Lights," who opposed it. The majority of the Massachusetts ministerial convention condemned the revival for "its errors and disorders," while in Connecticut the general convocation of the established ministry induced the legislature to prohibit itinerant preaching. Throughout New England, revivalists were splitting from their congregations and forming separate churches to become known generally as Separatists.

Emotions, particularly frenzied emotions, are notoriously fleeting, and the Old Light counterattack was soon able to crush the New Light movement even in Northampton, where not a single new member joined the church from 1744 to 1748. Whitefield's second tour of New England in 1744 was hardly triumphal. Although he attracted thousands, he was generally rebuffed and denounced by ministerial associations and by Yale as well as Harvard. Ironically, Jonathan Edwards was even ousted from his home parish at Northampton in 1750 when he abandoned the liberal practice of his predecessors in administering the sacraments to unregenerate members. This was far too purist even for his own congregation.

In New Jersey the battle between the Evangelicals, or New Side party, and the Old Side party came to a head at the meeting of the Presbyterian synod of 1741. The Old Siders expelled the New Side for their itinerant activities, their bitter attacks, and their emotional stress on hellfire. After vain attempts to win their return, the New Lights set up their own New York Synod in 1745 at Elizabethtown, New Jersey. The developments after the Presbyterian split, however, were the opposite of the Congregational experience. The New Siders attracted the young ministers and grew apace while the Old Siders dwindled. Finally turning conciliatory, the majority New Siders were able to induce a reunion of both groups in 1758. The New Siders founded the College of New Jersey (later Princeton) in 1746 as the first college of the Awakening, and this college became the main training ground of Presbyterianism in America. And the College of New Jersey symbolized its new position as the fortress of Calvinist orthodoxy (taking the honors from an Old Light Yale) when it named Edwards its president shortly before his death. The immigrant Ulster Scots, formerly almost devoid of ministers, now received the expanding product of the new school and were instructed by New Side ministers.

Frelinghuysen, a leader of the revival movement, also sparked a schism in the Dutch Reformed Church in New York. The conservatives, however, stood no chance there, for they called for remaining under the authority of the Classis of Amsterdam as well as for services in the Dutch language, whereas Evangelicals wanted independence for the American church and preaching in English. Eventually, in 1772, the split was healed on Evangelical terms.

As the New Side became dominant among young Presbyterians and finally conquered the church, the new Presbyterian ministers to the Ulster Scots naturally brought the Great Awakening to the South. Early in the Awakening, a revival movement had begun among lay Presbyterians in Hanover County in the Virginia Piedmont. Led by Samuel Morris and inspired by Whitefield's sermons, they persisted as a New Side center nourished by visiting New Side ministers. When the Reverend John Roan, in 1745, bitterly denounced the established church and its ministers, Governor William Gooch, with equal bitterness, condemned "such false teachers . . . who without order or license . . . lead the innocent and ignorant people into all kinds of delusion," including "railing against our religious establishment." In response, the Virginia grand jury indicted Roan for "vilifying the established religion," as well as two laymen for speaking ill of the establishment and for allowing Roan to speak in an unlicensed house of worship. The three were eventually convicted and forced to pay small fines and court costs. The embattled Old Siders of the Philadelphia synod welcomed Gooch's intervention against their enemies. The New Siders won permission to continue operations from Gooch, but two years later, the governor and Council issued

a proclamation to prohibit all itinerant preachers. At this point the New Lights of Virginia were saved by the arrival of the young Reverend Samuel Davies as the first settled Presbyterian minister in the region. The relatively moderate Davies was able to win a license to preach from Virginia's governor and General Court.

The Reverend Mr. Davies actually won the hearts of the Virginia authorities with his fervent warmongering during the French and Indian War. Davies found it easy to substitute the enemy for the devil in his sermons. Thus:

Ye that love your country enlist; for honor will follow you in life or death in such a course. Ye that love your religion enlist; for your religion is in danger. Can Protestant Christianity expect quarters from heathen savages and French Papists? Sure in such an alliance the powers of Hell make a third party. Ye that love your friends and relations enlist; lest ye see them enslaved and butchered before your eyes.

Shortly after this bit of elegant demagoguery the Reverend Mr. Davies achieved the pinnacle of his career; like Jonathan Edwards before him, he became president of the College of New Jersey until his death two years later in 1761.

Despite their rapid expansion in the South, the New Side Presbyterians faced two inherent restrictions on their growth among the masses: the moderation brought to the movement by Samuel Davies, and their stringent requirements that their ministers be properly educated. The Baptists, however, labored under no such handicaps, and a fateful shift in the Baptist creed enabled them to fill this gap after midcentury.

The Baptists had begun in the colonies in mid-seventeenth-century Rhode Island. There they emerged not only as a liberal but as a radically individualist group. Their "creed" was individualism not only in religion, but also in political philosophy, to the point of anarchism. The religious individualism of the Rhode Island Baptists, however, was not frenzied Calvinist orthodoxy but a liberal and rationalistic creed that tended toward Arminianism and deism. It is not surprising that with such a heroically radical creed the Baptists did not exactly flourish in the colonies. They managed to grow moderately, however, and to establish centers in Virginia, North Carolina, South Carolina, and New York early in the eighteenth century, in addition to their previous membership in New England. Their main center soon became the new and expanding colony of religious liberty, Pennsylvania, and the first general organization of American Baptists met as the Philadelphia Association in 1707.

Ever since the founding of the Baptist sect in early seventeenth-century England, however, there had been two drastically conflicting and contradictory strains within Baptism: the "General," that is, those subscribing to the

individualist, rationalist, and Arminian creed; and the independently founded "Particular" Baptists, that is, orthodox Calvinists except for their opposition to infant baptism and differences over church polity. The American Baptists had always been Arminian, but the Church had remained small. Under the impact of the Calvinist outburst of the Great Awakening, the Philadelphia Association, in a fateful turning point in Baptist history, abandoned the great tradition of the American church and swung over to a rigid Calvinism in 1742. The Baptists had not yet gone so far as to join the Awakening, but this drastic switch to Calvinism paved the way for their eventual surrender to the new movement.

It soon became clear that the Old Lights were winning the struggle for the capture of the Puritan churches of New England. Many of the separated New Lights, harassed as unrecognized churches, then took the opportunity to declare themselves Baptists and thus to win a recognized religious status—an important consideration in any community where a church is established. And the shift of the Philadelphia Association to Calvinism made this course an especially easy one. Between 1740 and the mid-1760s, the number of Baptist churches in Massachusetts expanded fivefold, and in Connecticut and Rhode Island threefold. The Baptists were now not only Calvinists but New Light Separatists to boot. By 1764 the Baptists were strong enough to found Rhode Island College (later Brown University), though it began on liberal principles, with various Protestant sects sharing in control of the college.

By the early 1760s the Baptists were ready to follow the Ulster Scots and the Presbyterians southward. To meet the demands of the masses, they allowed virtually anyone, even illiterates, to dub themselves ministers and to take up evangelical preaching. By 1760, the Separate Baptists, led by the former New Light Connecticut Congregationalist Shubal Stearns, had taken up headquarters at Sandy Creek in Guilford County in western North Carolina. From there, the Sandy Creek Association spread the Separate Baptist gospel into Virginia and South Carolina; they soon far overshadowed the sober and educated older or Regular Baptist churches in these provinces. Moreover, with their enthusiasm and uneducated ministry, the Separate Baptists were able after 1760 to grow far more rapidly in the South than were the Presbyterians. Indeed, they grew extremely rapidly, especially in Virginia and North Carolina. In the years 1768-70, the "period of the Great Persecution," the angered Virginia government arrested and imprisoned over thirty Separate Baptist ministers as disturbers of the peace, but the persecutions only served to multiply rather than restrict the number of Baptist adherents.

Despite Whitefield's original connection with the Church of England, the Anglican church remained a stronghold of opposition to the Great Awakening. Indeed, many Old Siders, when defeated in their own communions,

turned to the Anglican church. Methodism began as an evangelical tendency within the Church of England. As such, it first took root in the colonies in 1763, in Dinwiddie County in southern Virginia, with the New Light preaching of the Reverend Devereux Jarratt. Cooperating with Methodist lay preachers emerging in New York and Maryland, Methodism grew rapidly in the vicinity of Jarratt's parish.

Of all the major church groups, the Quakers were the least affected by the Great Awakening. The Quakers were already pietistic and individualistic and thus were not affected by this major attraction of the Awakening. Too, the Quaker creed was highly optimistic and liberal, and at the opposite pole from the rigid predestinarian Calvinist theology.

The consequences of dynamic new movements are not always the same as their original objectives. For one thing, although the Great Awakening was by no means an economic class struggle in intent, its permanent *consequence* was to bring about a sharp religious split throughout the colonies along income and educational class lines. The upper classes would remain sober and rationalistic, whether as Quakers, deists, liberal Congregationalists, conservative Congregationalists, or Anglicans; the lower classes would adopt emotional and evangelistic creeds as New Side Presbyterians, Methodists, or Baptists. Previously in America, there had been few if any religious splits along class lines.

The Great Awakening, while reactionary in nature, also had progressive and libertarian consequences: the Awakening split had fragmented the Protestant churches. In doing so, the New Lights found themselves at war with the established church in the various colonies—with the Puritans in New England and the Anglicans in the South. At war with the establishment, the New Lights were willy-nilly pushed by the logic of their situation into libertarian positions and they contributed greatly to the weakening of the establishment in New England and the South. Liberalism in Massachusetts and indifference in the South had already weakened these establishments internally, and the fissures opened by the Awakening greatly furthered this task. Moreover, the ensuing multiplication of sects made it far more difficult for any one sect to establish itself in place of the old creed. In short, the Awakening permanently made matters far more difficult for any sect to become or remain an established religion.

The most severe struggle against establishment came in Connecticut, where control by the established quasi-Presbyterian church was far more rigorous than in the more liberal and more truly Congregationalist Massachusetts. The Connecticut Old Lights in control of the established church were far more willing to tolerate other dissenting groups than their own Separatists. At the behest of the Old Light ministers, the Connecticut Assembly in 1742 outlawed itinerant as well as unlicensed preaching and took away tax support from New Light ministers. Unlicensed or itinerant min-

isters were to be fined or expelled from the colony. The following year, toleration of dissent as established in the Act of 1708 was repealed and religious dissidents were required to obtain special permission from the Assembly. When the New Lights tried to set up their own training school, the Connecticut legislature passed a law prohibiting any school, college, or seminary from being created without the license of the Assembly. For unlicensed preaching at Milford and New Haven, the New Light Presbyterian Reverend Samuel Finley, afterwards president of the College of New Jersey, was arrested and expelled from the colony. Furthermore, suspected New Lights were ejected from public office, and elected representatives from New Light towns (such as Canterbury, Plainfield, and Lyme in eastern Connecticut) were refused their seats in the Assembly.

The Old Siders were by no means alone in persecuting the Great Awakening. This was particularly true among the liberals. In 1743, Governor Jonathan Law of Connecticut wrote the powerful Dissenting deputies of Great Britain defending the persecutions in view of the troublesomeness of the Great Awakening movement. The Dissenting deputies replied in a friendly but firm reminder of libertarian principles. They too deplored the "delusions" and disruptions of the Great Awakening, "but great and manifest as those mischiefs are, we cannot be of the opinion that the magistrate has anything to do in this matter but to see that the public peace is preserved, that there are no riots or tumults, and that his subjects are not allowed to assault, hurt, maim, wound, plunder or kill one another in these religious contests." Laws against differing religious opinions, on the other hand, are unfortunate, as Connecticut should well have known from the experience of the establishment in England. The deputies proceeded to criticize sharply the Connecticut law of 1742 and its severe penalties for dissent from Connecticut's own establishment. The deputies concluded eloquently: "In short, whether we consider this matter in a religious or political light, it seems every way most advisable to let these men alone, how wildly erroneous soever both you and we may take their sentiments to be." So great was the prestige of the Dissenting deputies in New England that before long Connecticut had adopted the bulk of their advice.

The campaign of persecution did not stamp out the New Lights; rather, it led to a libertarian opposition among the New Light ministry. The New Light Association of Ministers of Western Fairfield County denounced the use of the civil power to impose ecclesiastical discipline. They also called for more genuine Congregationalism in the Connecticut church.

The Separatist New Lights only came to adopt a libertarian antiestablishment posture by the logic of their political position as a dissenting minority, after they had been clearly defeated in their attempt to control the Congregational church. Only after several years did the logic of the situation push more and more Separatists into opposing an establishment. The first clear-

cut Separatist opposition to the principle of establishment in Connecticut came in 1747 in the town of Canterbury in eastern Connecticut—the site of the colonies' most violent struggle between the two Congregational factions. And from Yale all of the rebellious New Light students were expelled, and the senior class's attempt to reprint John Locke's *Letter on Toleration* was suppressed by the college. Finally, the students won their academic religious freedom by threatening to appeal the situation to the Crown.

At last the reaction against the persecutions in Connecticut triumphed, and in 1750 the persecutory laws were repealed. The Puritan establishment continued on, however, along with taxation of the Separatists for salaries for their tax-supported enemies. Separate Congregationalists and Baptists continued to be jailed for refusal to pay taxes to the establishment. Struggles continued between local Congregationalists and the quasi-Presbyterian church authorities. And this un-Congregational type of control was weakened further in such cases as Wallingford. There Old Lights separated from the majority New Lights of the local church and were freed from the obligation to pay taxes for support of a New Light minister. This breakdown of central control helped to weaken the establishment still further.

The Separate Baptists, in particular, inherited a Baptist tradition of religious liberty and separation of church and state that helped propel them to antiestablishment positions. However, coming from a different theological wing of their church, they were more influenced by the logic of their struggle and their minority position. The Separate Baptists showed no sign of favoring wider separation of church and state than equality for their own sect, for example, of advocating repeal of compulsory church attendance laws, prohibition on work or travel on Sunday, outlawing of blasphemy, or banning of Catholics or deists from public office.

In more liberal Massachusetts, the major fight for religious liberty among New Lights was conducted by the Separate Baptists. In contrast to the far more tyrannical Connecticut, there were no laws against the freedom of the Separate Baptists, as such. But by the law of 1753, Separate Baptists were in effect deprived of the exemption from taxes for the establishment, an exemption that had been granted to the General Baptists two decades before. This flagrant discrimination against the hated New Lights roused the latter to enlarge the libertarian situation into which they had been placed. Town officials enforced religious taxes against the Separates with relish, often seizing goods for payment of taxes and imprisoning them for defying the discriminatory law. The Separate Baptists drew up a memorial and remonstrance against the act. Written by John Proctor, a Boston schoolteacher, the memorial cited their grievances and called for repeal in order to provide equal freedom and independence with all other religious groups in Massachusetts.

A movement grew in Massachusetts to imprison the rash signers of this

petition, but wiser heads prevailed. It was not until 1770 that the worst features of this discrimination against the Separate Baptists were repealed. The law served to liberalize the Separate Baptists politically. One of their main leaders in Massachusetts, the Reverend Isaac Backus (of Middleboro in Plymouth County), drew heavily on John Locke's *Letter on Toleration* in working out a theory of religious freedom.

Here and there in the colonies, New Light ministers, repelled by struggles against persecution, began to adopt a broader libertarian outlook, at least in rhetoric. Thus the Reverend Mr. Davies referred in 1751 to men's "natural right to follow their judgment," including the questioning and even rejection of authority. Davies, however, confined the application of this radical principle to religious matters. On the other hand, the Reverend Aaron Burr, New Side president of Princeton during the 1750s, went on to widen the principle. Becoming known as "a great friend to liberty, both civil and religious," Burr "abhorred tyranny in the state" as well as in the church.

The Growth of Deism

Liberal religion, strong for several decades in Massachusetts, was intensified in the wake of reaction against the emotional frenzy of the New Lights. Rationalists were horrified at tendencies among extreme New Lights to consider themselves "perfect and immortal"—one example being the Reverend Shadrack Ireland of Charlestown. Some New Lights deduced from this a call to promiscuity, some to murder, and one man proclaimed that he himself was the risen Christ.

It is no wonder that liberal and rationalist trends in Massachusetts were intensified in reaction to the Great Awakening. This growth was also advanced by the increasing popularity of the works of two English Arminians, the Reverend Daniel Whitby, an Anglican, and the Reverend John Taylor, a Presbyterian, both of whom attacked Calvinist orthodoxy in behalf of optimism and free will.

The first Arminian work, following swiftly after Charles Chauncy's violent attack on the Great Awakening, was *Grace Defended*, published by the Reverend Experience Mayhew in 1744. The Arminian movement came to full flower with the Reverend Lemuel Briant's *The Absurdity and Blasphemy of Deprecating Moral Virtue* (1749). Briant, a minister at Braintree, repudiated Calvinist predestination and maintained that "the pure and perfect religion of Jesus" was built on the axiom that the individual was a responsible agent whose happiness depended upon his own actions. Thus the Arminian credo stressed the importance of a man's adoption of those moral principles that would advance his happiness on earth. God's aim was to advance man's happiness. Briant, realizing his position would not find either "popular applause or princely favors," was determined to cleave to eternal truths.

Briant's essay led to a wave of Arminian liberalism, soon called the "Liberal Theology," among the Congregational churches, especially in the vicinity of Boston. The Reverend Ebenezer Gay of Hingham advanced liberalism still further to a virtual deism and anticipation of Unitarianism. In a lecture at Harvard College in 1759, Gay, a staunch believer in free inquiry, called for "Natural Religion as Distinguished from Revealed." Natural religion was to be discovered by reason alone and consisted in worshipping God and His natural laws. If Christianity was inconsistent with natural law, Gay boldly proclaimed, then the former must be discarded. Yet Gay, in common with the other English and American deists of the period, did not launch any open attack on the Christian religion; instead they held that Christianity is necessary to supplement the sadly deficient reason of the masses and to inculcate proper moral principles amongst them. The veteran leader of Massachusetts liberalism, Charles Chauncy, pressed even further into deism. God being the epitome of love, declared Chauncy, He would not damn sinners eternally; furthermore, man using his reason was capable of pursuing the good and obtaining happiness.

One of the great leaders of the deist movement in Massachusetts and indeed the last of the mighty and influential colonial preachers in America was the brilliant Boston minister Jonathan Mayhew.* Son of the Reverend Experience Mayhew, Jonathan had a good start in developing his liberal views. He spent his formative years at Harvard College, which had become increasingly more advanced, and studied there under the great liberal teacher Edward ("Guts") Holyoke, for three decades a thorn in the side of orthodox Calvinism. At Harvard, young Mayhew eagerly imbibed the political philosophy of John Locke and the religious views of the English deist Samuel Clarke, and then went on to complete his development under the Reverend Ebenezer Gay of Hingham.

What emerged was a man who by 1755 was the first New England minister explicitly to reject the Trinity. Rejecting Calvinist determinism and pessimism, Mayhew's rationalist philosophical outlook rested squarely on a belief in natural law and a natural-law morality: "Truth and moral rectitude are things fixed, stable, and uniform, having their foundation in the nature of things." And it is rooted in the nature of man that each person is endowed with *reason* and with *free will*—and that he is able to use free will to employ his reason in order to discover the natural law of what is good or bad for man's happiness. Furthermore, he is then able to use that free will to choose the good. And since each individual's choices rest on the convictions of his mind, each man has the right and duty of private judgment over his own

*It is not surprising that this great liberal figure, highly important in the religious and political development in America, lacked a modern biographer until very recently, while such fanatics as Mather and Edwards have drawn the fascinated attention of numerous historians.

life. Thus each individual is morally capable and therefore responsible for his own actions. For Mayhew, the God that so endowed man was clearly a being of divine goodness and love.

By the mid-1750s, deism had swept through eastern Massachusetts, centering around Boston, especially among the more civilized citizens. Skepticism abounded toward the miracles of the Bible, and the work of the English deist Thomas Morgan (*The Moral Philosophers*, 1737) circulated throughout the area. Morgan had called for a return to the allegedly deist teachings of the original Jesus, short of miracles and of messianism.

While most prevalent in the Boston area, deism was by no means non-existent in the other colonies. The transplanted Bostonian Benjamin Franklin was a deist from his early years. Considering Franklin's overriding concern with the opinion of others and with seizing the main chance, one is not surprised that he carefully cloaked his deist views. Always hypocritically willing to abandon principle for the sake of keeping his public image bland and inoffensive, Franklin not only continued to attend a church in which he did not believe but also pressured his daughter to do the same. For the worried Franklin suspected that her failure to attend church would be used to discredit him politically. In private letters, however, Franklin made clear his deist belief in a natural rather than a revealed religion, in free will, in an ethic of human happiness, and in a God of goodness.*

Philadelphia, in fact, was a center of deistic and skeptical opinion. Thus, in the mid-1750s, the Reverend William Smith, leader of the proprietary party in Pennsylvania and head of the College of Philadelphia (later the University of Pennsylvania), stressed the importance of a reasoned and natural religion. And in New York, William Livingston called for more rationality in religion, while Cadwallader Colden, one of the most eminent men of the province, espoused in 1746 a deism closely akin to atheism in its questioning of the concept of an immaterial First Cause. There was little articulate deist leadership in the South in the first half of the century, but widespread deism was found in Georgia in the late 1730s, and North Carolina had always been pervasively indifferent to religious concerns.

Deist and rationalist thought did not, of course, spring up full-blown in America. As we have indicated, the influence of English thinkers was dom-

*Franklin's fawning posturing was a conscious rule of his life: "I made it a rule to forbear all direct contradiction to the sentiments of others, and all positive assertion of my own. I even forbade myself . . . the use of every word and expression . . . that imparted a fixed opinion, such as *certainly*, *undoubtedly*, etc. and I adopted instead . . . *I conceive*, *I apprehend*, or *I imagine*, or so it *appears to me at present*. When another asserted something that I thought an error, I denied myself the pleasure of contradicting him sharply, . . . in answering I began by observing that in certain cases or circumstances that his opinion could be right, but in the present case there *appeared* or *seemed* to me some differences, etc. . . . [and as a result] for these fifty years past no one has ever heard a dogmatic expression escape me, and . . . I had early so much weight with my fellow citizens . . . and so much influence in public councils . . ."

inant. Like their counterparts in America, the English writers made no attempt to mount a direct assault on Christianity. Leaders of the English rationalist movement were, in the seventeenth century, Lord Herbert of Cherbury, John Locke, Charles Blount, Lord Shaftesbury, Archbishop John Tillotson, and John Toland, a disciple of Locke; and in the early eighteenth, Samuel Clarke, John Taylor, Dr. George Cheyne, William Wollaston, Matthew Tindal, Anthony Collins, and Lord Bolingbroke. These writers were read and cited in the American colonies. Archbishop Tillotson, Locke—always widely read in America—Cheyne, and Clarke were deists typical of the Anglican-Latitudinarian movement, which tried to establish Christianity by rational means and to use revelation only as a supplement. Much more frankly deist and aloof from Christianity was Lord Shaftesbury, who believed that the masses needed "Christian superstition" to live morally.

By 1750, deism had spread widely in England, especially among the educated classes. The high-water mark of English deism was the posthumous publication in the early 1750s of the noted philosopher and essayist Lord Bolingbroke, in which publication he, following the English deists, scorned Christian theology completely and called for a return to the supposedly simple and deistic gospel of Jesus founded on natural law.

31

The Quakers and the Abolition of Slavery

In 1688, Francis D. Pastorius, head of a colony of German Quakers in Pennsylvania, persuaded his flock to issue a remonstrance against slavery. It was sent to the Philadelphia Yearly Meeting of the Quakers, which promptly buried the protest. In stressing slavery as a violation of the Golden Rule, Pastorius followed the teachings of the Reverend William Edmundston in Maryland a dozen years before.

Antislavery protests, even among people as individualistic as the Quakers, had proved abortive. Some Quakers were still troubled about the issue but little was done. The Keithian Quakers denounced slavery in 1693, as did Cadwallader Morgan a few years later. But the most the yearly meeting would do—first in 1696 and more stringently in 1715—was to criticize any further importation of slaves. The Pennsylvania Assembly, governed by Quakers, placed prohibitory import duties on the importation of slaves, but this was disallowed by the Crown under the influence of the slave-trading Royal African Company.

As more and more Quakers acquired slaves, protests within the order intensified. The minister William Southeby denounced the institution entirely and in 1712 vainly urged the Pennsylvania legislature to outlaw slavery. The Chester (Pennsylvania) Quarterly Meeting was the center of Quaker opposition to the practice, and in 1711 it began a series of resolutions for the expulsion of Quakers engaging in the importation of slaves. The Pennsylvania Yearly Meeting impatiently refused. Furthermore, for repeatedly urging Quaker condemnation of slavery, Southeby was expelled from the Quaker communion in 1716, and this suppression intimidated the more cautious Chester meeting to keep silent.

Meanwhile, similar protests were growing among New York and New England Quakers. Abolition of slavery centered in the Flushing meeting in New York, and the Dartmouth and Nantucket meetings in Massachusetts. Sparking the protest was an English Quaker minister, John Farmer, who raised a protest against both slavery and the slave trade at the Flushing Quarterly Meeting in 1717. The agitation was joined by Horsman Mullenix and William Burling. Burling presented an attack on slavery at the New York Yearly Meeting in 1718, though he himself balked at urging its abolition for fear of causing strife within the church.

In New England, the Nantucket Monthly Meeting in 1717 bravely condemned both the slave trade and slavery *per se*, while Dartmouth and Greenwich confined themselves to criticizing the slave trade. Newport, heavily involved in both slaveholding and slave trading, refused to condemn either one; hence the Rhode Island Quarterly Meeting took no action. John Farmer now came to New England to preach against slavery, thereby intensifying the gulf between Newport and Nantucket. After urging the New England Yearly Meeting to denounce slavery in a paper, *Relating to Negroes*, Farmer succeeded only in bringing the meeting's wrath down upon his own head. The meeting ordered Farmer to stop preaching against the slave trade, to turn over his papers to its care, and to cease publicizing his essay. Farmer would not allow his rights to be trampled on and continued to preach his opposition to slavery. Appealing to the Philadelphia Yearly Meeting, Farmer, like Southeby, was ousted from the Quaker Society. The Philadelphia meeting's only concession to antislavery sentiment was to threaten, in 1719, the expulsion of any Quaker engaging in the importation of slaves. And even this mild step was not followed by other regional yearly meetings for several decades. The Virginia Yearly Meeting only began to advise against the slave trade in 1722, but not until 1768 did it move over to discipline. New England advised against slave imports in 1717 and only made the prohibition mandatory in 1760. Maryland issued a hesitant prohibition in 1759-60. New York advised in 1718 and only prohibited the slave trade in 1774. The North Carolina Yearly Meeting only advised in 1772.

The high-handed treatment of Southeby and Farmer suppressed further antislavery agitation for over a decade. Finally, in 1729, the question was reopened by one courageous man, Ralph Sandiford. An English Quaker and businessman, Sandiford settled in Philadelphia, only to be revolted at the sight of slave auctions. In this year, despite refusal of permission to publish by the overseer of the press in Philadelphia, Sandiford bravely published his *The Mystery of Iniquity*, in which he bitterly attacked Quaker slaveholding. The Quakers, he charged, had had it in their power to make their name glorious by spurning slavery; instead they had shown a defect of spirituality by engaging in this evil practice.

Sandiford's booklet once again radicalized the Quakers of Chester, Penn-

sylvania. The Chester Quarterly Meeting now called for the next step in restricting slavery: since slave importation was now prohibited to Quakers, purchase of newly imported slaves should likewise be banned. Two small quarterly meetings in New Jersey backed the Chester view; the Bucks Quarterly Meeting failed to take a stand; Philadelphia criticized any further changes in Quaker policy; and the Burlington meeting compromised on advising against purchase but without any disciplinary prohibition. This waffling suggestion was adopted by the Philadelphia Yearly Meeting in 1730.*

Ralph Sandiford, heartbroken at his defeat at the yearly meeting, soon died. But his suit was quickly taken up by his friend and fellow English businessman Benjamin Lay. Lay blasted Quaker slaveholders in his magnificently hard-hitting *All Slave-Keepers, That Keep the Innocent in Bondage, Apostates Pretending to Lay Claim to the Pure and Holy Christian Religion* (1737). Lay denounced Quaker slaveholders as "a parcel of hypocrites, and deceivers." The Quaker ministers who held slaves especially raised his ire, for their hypocrisy set an example for all Quakers. Lay pointed out that slavery, just as in the case of murder, was a criminal assault on Christ's gospel of love. Lay not only went unheeded but was forcibly ejected from Quaker meetings.

Into this atmosphere of repression and of general evasion of moral responsibility came the young man who would almost single-handedly free the Quaker slaves. John Woolman was a tailor, farmer, and shopkeeper in New Jersey, a colony containing many slaves. In 1742, as a young apprentice making out a bill of sale for a Negress, Woolman realized with a shock the true nature of the pervasive slave system. He thereupon decided to devote his life to crusading for the abolition of slavery.

Upon becoming a Quaker minister in 1743, Woolman went up and down the colonies exhorting Quakers to take a principled stand against the institution of slavery. In his influential and beautifully written *Journal* (1757), emanating a spirit of Christian love, Woolman wrote of the slaves: "These are a people by whose labor the other inhabitants are in a great measure supported. . . . These are a people who have made no agreement to serve us, and who have not forfeited their liberty. . . . These are the souls for whom Christ died, and for our conduct towards them we must answer before that Almighty Being who is no respecter of persons."

*Also cautioned against was the sale of previously purchased imported slaves, as this would be profiting from slave imports. For Quakers, the slave trade was easier to attack as inducing and profiting from the booty of war (in Africa), and further profit from such imports could also be condemned as grounded in war. Of course, if the Quakers had cared to pursue the logic further they would have found further contradictions between slavery and peace: (1) even domestic slaves *originated* in Africa and war; and (2) enforcing of slavery itself rested on violence and hence on aggressive force against the slaves.

The great impact of John Woolman is eternal testimony to the effect that ideas and moral conscience can have upon the actions of men. For while many Quakers had a vested economic interest in slaves, this interest and its ally, natural inertia, could not prevail against the spiritual moral principles proclaimed by the lone Quaker. By 1750, a young teacher in Philadelphia, the Quaker Huguenot Anthony Benezet, had joined wholeheartedly in the crusade. In 1754, Woolman published his influential *Some Considerations on the Keeping of Negroes*, denouncing slavery as a violation of man's natural rights. Woolman punctured the usual rationalization of slavery as being for the benefit of the slaves. Instead, slavery is precisely to enable the masters and their families to live in luxury off the exploited labor of their human property. Furthermore, slavekeeping corrupted and demoralized the slave owners themselves.*

Under Woolman's mighty influence, more and more Quakers took up the cause. Such prominent Quakers as Israel Pemberton, Samuel Fothergill, and John Churchman came out for abolition, and various monthly meetings in New Jersey and Pennsylvania condemned the purchase and keeping of slaves.

The great climax of the abolitionist movement in the Quaker society came at the Philadelphia Yearly Meeting of 1758. While conservatives and slave owners insisted on the old formulas of only barring slave imports and enjoining kind treatment of the existing slaves, Woolman and his fellow radicals launched a principled moral attack on slavery itself. At the yearly meeting it seemed as if the conservatives and the temporizers—with their pleas of "wait" until a "way would be opened"—were going to win. At this point the great Woolman rose to remind the assembled Quakers once again of principle: "Many slaves on this continent are oppressed and their cries have entered into the ears of the Most High . . . it is not a time for delay. Should we now . . . through a respect to the private interests of some persons . . . neglect to do our duty in firmness and constancy, still waiting for some extraordinary means to bring about their deliverance, God may by terrible things in righteousness answer us. . . ."

Woolman swept the day. The historic yearly meeting of 1758 called upon Quakers to free their slaves and, besides, to grant them a terminal allowance. Thus the Quakers took upon themselves the financial loss not only of freeing the slaves, but even of compensating them to some extent for their prior servitude. The meeting resolved that "excluding temporal considerations or views of self-interest, we may . . . 'do unto others as we would they

*It is not surprising that John Woolman, the man of principle, also stuck to the Quaker belief in peace during the French and Indian War, even attacking any war that might be waged against an unjust invasion. When a soldier was quartered upon Woolman against his will, he refused the payment that the government allowed him as compensation.

should do unto us,' which would induce such Friends as have any slaves to set them at liberty—making a Christian provision according to their ages. . . ." Discipline was to be imposed upon Quakers who persisted in buying, selling, or keeping slaves, but in ways short of actual expulsion. Particularly important was the meeting's appointment of an energetic committee, headed by Woolman, to persuade and help Quaker slave owners to put this policy—including the Christian provision of reparations—into effect. By 1774, all the willing Quakers in New Jersey and Pennsylvania had freed their slaves. In that year, disciplinary threats of expulsion were imposed for slave purchasing, holding, or selling, and as a result, all the Quakers had freed their slaves by 1780. In consequence, there was by the end of the colonial period an appreciable decline of slavery in Pennsylvania and New Jersey. More important, the example of the voluntary abolition of slavery by the Quakers held up a beacon light of freedom to all Americans.

The action of 1758 of the Philadelphia Yearly Meeting—by far the most important Quaker meeting in the colonies—provided an immediate inspiration to Quakers in the other colonies. Richard Smith, one of the few Quakers in Connecticut, had already announced the freeing of his own slave. Woolman's trip to New England in 1760 inspired the monthly meeting in South Kingston, Rhode Island—in the Narragansett area, where slavery was widespread—to outlaw slavery two years later on pain of expulsion. Boston, Lynn, and Salem Quakers moved to prohibit slavery, but other areas proved far more resistant—especially Newport and New York City, which resisted pressure from upstate New York meetings. Maryland and Virginia Quakers split sharply on the issue.

Gradually, all the Quaker meetings were moved around to the full abolitionist position, but this could only be done by their adoption of the great libertarian and rationalist doctrine of natural rights, increasingly sweeping the colonies. With the aid of natural-right theory, the Quakers now realized that not only benevolent Christian morality but also basic justice required freedom for every man. Justice and the very nature of man required freedom for all. John Woolman had already proclaimed that "liberty was a natural right of all men equally"; and now the Philadelphia Yearly Meeting of 1765, reaffirming its decree of seven years before, reasoned the necessity of abolition so that all Quakers might "acquit themselves with justice, and equity toward a people, who by an unwarrantable custom" had been "unjustly deprived of the common privileges of mankind." And a New York Yearly Meeting of 1768, even while temporizing on abolition, conceded that "Negroes as rational creatures are by nature born free."

This appeal to justice raised Quaker arguments from concern about *initial* enslavement through war to the *continuing* enslavement of the Negroes. For now the Quakers saw fully that aggression against the natural liberty of Negroes occurred not only at the time of their initial enslavement or impor-

tation, but *all the time* that they were kept in bondage. Gradualist arguments about "preparing" the Negroes for freedom had now also to be swept aside. This insight widened Quaker horizons from religious concern for their fellow slave-owning members to concern for slavery in the society at large. As the historian Sydney James puts it:

If Negroes had been deprived of natural liberty not only when they had been forcibly transported from Africa, but every minute that they were held in bondage under whatever pretext, justice required that the God-given freedom be "restored." In this light a master conferred no boon when he liberated a slave; he gave belatedly what he had hitherto "withheld" and simply ceased to "detain" a person who was, and who always had been, free. This idea soon pervaded official Quaker language and provided Friends with an unfailing encouragement to fight slaveholding in the "world" at large. Ending a wicked usurpation of control over a man's life was as clearly a public duty as saving him from drowning, an obligation so positive as to relegate the spiritual or economic preparation of the slave for freedom to a position where it could not rightly control the decision to manumit or not.*

The Quakers were thus led to shift from their previous pessimistic view of unregenerate and sinful "natural man" to an optimistic view of man as possessing the natural and God-given liberty to choose the Christian and moral life for himself. Indeed, they saw more clearly that slavery and other such coercive restrictions on the natural liberty of the individual prevented him from using his liberty, and hence from fully adopting the moral "inner light" and from pursuing the proper path to his own happiness.

So it was that the Quakers, always possessing a great individualist heritage, moved into close alignment with developing rationalist and libertarian thought in England and America. The old pessimistic emphasis on man's natural depravity had bred a passive and quiescent attitude in many Quakers. The plea of the conservative antiabolitionist Quakers was not to disturb the Society and to wait for God to act against any worldly evils. But the new rationalist libertarianism of the Enlightenment demonstrated that individual freedom was a good in itself and a necessary condition for leading a virtuous life. It showed that where man had been invading this freedom, man himself could now act to remove the invasion. Furthermore, they now saw that reason and justice need not balk at the weight of irrational and oppressive social custom. As James declares, "Reformers could proceed to restore natural liberty without waiting for inward 'transformations' which would make the freed worthy of their freedom, or to combat social injustice without waiting for divine interference to correct it. Furthermore, convinced that natural rights existed apart from the will of the civil community, or even in

*Sydney V. James, *A People Among Peoples* (Cambridge: Harvard University Press, 1963), p. 223.

the face of contrary laws, the Quaker reformers . . . could use a right to liberty as grounds for defying a legal protection of slavery.”*

Before long, all the Quaker meetings north and south had followed Philadelphia’s lead and abolished slavery, finally enforcing the decree with threat of expulsion. By the late 1770s and early 1780s, slavery among the Quakers in America had been voluntarily and totally abolished.

**Ibid.*, pp. 224–25.

The Beginning of the Struggle over American Bishops

The Anglican communion, even in those colonies where it served as an established church, lived under strictly local control. Ministers were appointed by local vestries and approved by the governor of the colony. The church in America thus remained under secular American and even local direction; it was not subject to more than the nominal control of the bishop of London. Nor could it be otherwise so long as the church was not represented by resident bishops in the American colony.

The only pleas for the installation of Anglican bishops in America came not from the Southern colonies, where the established Anglican clergy relished their independence and the laity their local control, but from the far weaker missionary clergy in the Northern provinces. The first agitation for American bishops came from the Society for Propagating the Gospel (SPG), the great English missionary society founded in 1701. The SPG proved to be the greatest single force in extending the Anglican communion in America, especially in the Northern and middle colonies. Dr. Thomas Bray, founder of the SPG, was the first to launch the campaign in 1701, and the cause was soon taken up by the Reverend John Talbot, one of the leading missionaries in the Society in the middle colonies. In 1705, fourteen Anglican missionaries assembled at Burlington, New Jersey, and petitioned for a bishop. The SPG itself continued to head the agitation, and the campaign came to a climax in 1713, when petitions for bishops came in from New York and New England, and Queen Anne agreed to the proposal. This agreement is not surprising, as it fitted in admirably with Queen Anne's high Tory aim of exalting the power of throne and altar over her hapless subjects.

The death of Queen Anne in 1714, however, followed by the accession to power of Sir Robert Walpole and the Whigs, shattered the plan for American bishops and dashed other high Tory hopes as well. Thus ended the first campaign for an American episcopate.

The SPG now ended its organized agitation, but petitions from missionary ministers continued to come into London. At first the agitation was rather desultory, but the lead was soon taken in 1723 by a group of Connecticut ministers newly converted from the Puritan faith and headed by the Reverends Samuel Johnson and Timothy Cutler. Johnson and Cutler mobilized the New England Anglican clergy to petition for bishops in 1725 and 1727. The dramatic conversion of Cutler, the rector of Yale College—the center of orthodox Calvinist training in America—along with several Yale instructors, particularly rankled and alarmed the Puritan clergy of New England. Especially galling was Cutler's admission that he had been a secret Anglican even before assuming his post at Yale. An attempt was indeed made by the church to install a bishop not in New England but in Anglican Maryland, but the courts in Maryland (where the clergy were opposed and the proprietary brooked no such interference in its own control) quickly blocked the plan.

The Reverend Mr. Johnson, in the course of his pleas to England, urged that an episcopate would be most useful in cementing the rule of the English Crown over America and preventing any dangerous tendencies toward American independence. As Johnson trenchantly put it: "It has always been a fact, and is obvious in the nature of the thing, that anti-episcopal are of course anti-monarchical principles. So that the danger of our effecting independency . . . would naturally flow from the want of [episcopacy, which] . . . would be the most effectual means that could be devised to secure a dependence on our mother country. . . ."

Yet in England itself, and even in the SPG, interest in the scheme had all but ended with the death of Queen Anne. Its first revival came with a sermon before the Society by Bishop Thomas Secker in 1741. Secker took up the argument of Johnson, and his public address alarmed the New England dissenting clergy. In a reply, the liberal Massachusetts Congregational minister Andrew Eliot expressed his alarm over an episcopate that would inevitably entail the dangers of an Anglican establishment in the Northern colonies. Such dangers included a general tax to support the establishment, to be extracted from the pockets of the non-Anglican colonists. Bishops established in America would, in short, inevitably obtain the considerable temporal power and revenue that their counterparts enjoyed in England. In sum, an Anglican episcopate inevitably could not be a simply spiritual matter; it had grave political implications for American liberty.

The drive for an American episcopate began in earnest with the accession of Thomas Sherlock to the bishopric of London in 1748. Pursuing his

grand design for an American establishment intertwined with the English state and church, Sherlock immediately began to press the king for an American bishop. Sherlock was repeatedly turned down by the shrewd officials of the Crown, under pressure of the influential English Dissenters. Particularly active in rejecting the proposal for Anglican bishops were the great Whig leaders, the Duke of Newcastle, Lord Hardwicke, and Horatio Walpole. The liberal Horatio Walpole expressed the shrewd sentiments of the Whigs by warning that such a far-reaching scheme would really provoke and alienate the American colonists, Dissenters and even Anglicans alike.

Sherlock was joined in his agitation, however, by Bishops Secker and Cutler, and Sherlock raised the problem to a new plane by deciding to employ virtual blackmail upon his American communicants. For in an effort to force the Anglicans in America to demand a resident bishop, Secker virtually refused to exercise any of his jurisdiction over the church in America. Pursued by successive bishops of London, however, this policy only left Anglicans in the colonies with even less English control and supervision than they had experienced before.

Furthermore, Secker's methods aroused the ire of Anglicans, especially in the South, and particularly alarmed the New England Puritans and other Dissenters who saw the specter of an Anglican establishment from which so many of them had fled. As early as 1750, the liberal Reverend Jonathan Mayhew warned that "people have no security against being unmercifully priest-ridden but by keeping all imperious bishops, and other clergymen who love to lord it over God's heritage, from getting their feet into the stirrup at all." Mayhew trenchantly warned that "in plain English, there seems to have been an impious bargain struck up betwixt the sceptre and the surplice for enslaving both bodies and souls of men."

The agitation over possible bishops in America died down during the distractions of the war with France, only to flame up again when the war was over.

In addition to the specific problem of the bishops, general Anglican encroachments on religious liberty exerted a significant impact on politics and opinion in New York. That colony, where Anglicans were aiming at an establishment, found a great champion of religious liberty in William Livingston, of the leading landed family of New York. As a student at Yale, Livingston had been influenced by the English rationalist liberal writings of John Locke and the *Independent Whig* rather than by Calvinist orthodoxy. The *Independent Whig*, written in the early 1720s, was the great arsenal of argument for religious liberty and against establishment, written by the English journalists John Trenchard and Thomas Gordon. In late 1752, Livingston and his friends launched the publication of a weekly paper, *The Independent Reflector*, dedicated to opposing establishment and consciously modeled after Trenchard and Gordon's *Independent Whig*. The

principal goal of the paper was "opposing oppression, and vindicating the liberty of man." Livingston stoutly affirmed that in the "cause of the truth and liberty" he would defy "all tyrants civil or ecclesiastic," and specifically any Anglican domination over New York. Moreover, Livingston's libertarianism was by no means confined to defense against the Anglicans; he also boldly defended the Moravian church against the attacks of his own Presbyterians.

The lively, trenchant *Independent Reflector* quickly won fame not only in New York but throughout the Northern colonies, and was ardently discussed in pulpits, coffeehouses, and taverns. The *Independent Reflector*, drawing blood, stimulated an intense Anglican counterattack. But much of the Anglican rebuttal only furnished more material to alarm its critics. Thus, William Smith, inspired by the Anglican leader the Reverend Samuel Johnson, blatantly declared:

National Establishment can . . . diffuse through a country, the full social advantages arising from religion. . . . If, according to the *Reflector's* scheme, all religions were equally favored by the civil power, none established, and every man left at liberty to preach and practice what he thought proper, what a scene of confusion would thence arise . . . from such unbridled liberty of conscience. . . .

As to the political uses of national Establishments . . . the statesman has always found it necessary for the purposes of government, to raise some one denomination of religion above the rest. . . . This favored denomination, by these means, becomes as it were the creature of the government, which is thus enabled to. . . keep all in subjection. . . . But let a government once give away the power of bestowing its own favors, and let all sects and persuasions be equally favored, equally independent . . . how shall they be influenced or how ruled?

Smith concluded by accusing the *Reflector* of being un-British: this "leveling notion" of perfect religious equality before the law was derived not from British liberty but from the Frenchman Voltaire.

In contrast, William Livingston declared that "matters of religion . . . have nothing to do with the interest of state . . . the civil power hath no jurisdiction over the sentiments or opinions of the subject. . . ."

Anglican pressure, however, soon made a mockery of any freedom of the press in the colony. Livingston's printer, threatened with deprivation of the vital public printing contracts, succumbed to pressure and refused to continue printing the *Independent Reflector*. Printers in Boston and Philadelphia also refused to print the controversial paper and it was forced to close in early 1754. But while the Anglican government managed to kill the *Reflector*, the paper refused to die. Its name persisted, and bound copies and later reprints were eagerly sought. Furthermore, the public protest induced another New York paper that had closed its doors to antiestablishment

opinion to open them again; and William Livingston continued, with learning and wit, to belabor his opposition in a "Watch-Tower" column. The religious controversy also served to polarize New York politics, with the DeLancey faction becoming a pro-Anglican party and the Livingston faction reflecting its Presbyterian leadership.

33

The Growth of Libertarian Thought

We have touched several times, especially in dealing with religious doctrines and institutions, upon the growth of libertarian views in eighteenth-century America. This extremely significant development was not a full-blown giant suddenly burst upon the European and American scenes. J. H. Hexter, in his brilliant *Reappraisals in History*, warns us of the dangerous temptation toward a linear view of history—a view adopted in different ways by “Whig” and Marxist alike. The linear view assumes a steady march from past to present; Hexter cites the concept of the “rising middle classes.” Historians, he points out, noted that the English middle classes were dominant in the nineteenth century, and virtually nonexistent in the Middle Ages. Hence the linear assumption of a steady march upward by the middle classes century by century, a picture which Hexter indicates is far from the truth. But the important point here is that history often moves not in a smoothly linear trend but in varying patterns of rises and falls of trends shattered by contrary trends.

The growth of libertarian thought in eighteenth-century America was, to be sure, heavily influenced by a preceding growth in England, the main source of cultural influence on its colonies. But the pattern was not so simple. For it must be remembered that parts of America itself had experienced entirely libertarian institutions in the seventeenth century: for example, Rhode Island, North Carolina, and Pennsylvania. To a large extent, this libertarianism had been *unarticulated*. In short, the abundance of fertile virgin land in a vast territory enabled individualism to come to full flower in many areas. But only in such cases—important to be sure—as those of Roger Williams and Anne Hutchinson did practicing libertarianism receive the-

oretical articulation and groundwork. This does not mean that no theoretical rationale existed. Indeed, it exploded in a mighty surge during the height of the Puritan revolution; Roger Williams and his friends among the libertarian wing of that revolution helped each other develop these doctrines.

But the significant fact of the mid-seventeenth century was the defeat of the revolution and the victory of the counterrevolution. In England this victory can be pinpointed in Oliver Cromwell's shift rightward and his suppression of the Levellers—perhaps the finest libertarian movement up to that time. The steady retreat of Roger Williams from libertarian principles and enthusiasm can be dated from the disheartening victory of this Cromwellian counterrevolution. A similar counterrevolution against liberalism occurred in other parts of Europe: in France with the defeat of the Holy League in the late sixteenth century and of the popular Frondeur movements in the seventeenth century; in Holland with the victory of the Orange party over the Republicans. Civil war and foreign wars prevented England from turning its attention to its American colonies until the end of the seventeenth century. When it finally did so, it used its power to crush libertarian reality where it existed in America. Thus England imposed a counterrevolution on virtually libertarian conditions in Pennsylvania and New Jersey, and reversed the liberal-tending Leislerian revolution, which had had to force its way against what was in many ways the most reactionary colony of all, New York. Liberal-tending rebellions in the South (for example, Bacon's Rebellion in Virginia) were crushed, and reactionary policies entrenched or deepened. After the vigorous turmoil and turbulence of the late seventeenth century, when so many parts of America struggled in various ways toward freedom, a rather bleak uniformity was imposed on the colonies by England. The first half of the eighteenth century saw an increasing political stalemate between the contending forces, now generally consisting of Crown and privileged oligarchy as against the rest of the population. This period of quiescence was matched in the mother country, in institutions as well as in thought and opinion. In the first half of the eighteenth century, England settled down into a centrist Whig settlement; radical-liberal thought was more or less underground, expressed in thin trickles by lone independent thinkers. These liberals kept alive the torch of seventeenth-century Republican liberalism; when the radical-liberal movement burst forth once again as a political force in England in the later eighteenth century, it came not as a completely new phenomenon but as a renaissance of seventeenth-century radical models.

In the first half of the eighteenth century, America was more eager to learn from British liberalism past and contemporary than were the English themselves. England was, for one thing, the major cultural and ideological influence in the colonies, and Americans were eager to learn. For another, America had the heritage of its virtual epoch of libertarian revolutions in

the last half of the seventeenth century; it was a long time before England was able to clamp down on America. And furthermore, America was not saddled with the enormous encumbrances on liberty that faced the English liberals: a pervasive and oppressive feudal land system—which had broken in America on the rock of vast new land, a drive for proprietary profit, and an American refusal to pay quitrents; an established church hierarchy; a large central state apparatus; and a thoroughly oligarchic polity. Americans suffered from these ailments to some degree, differing from one colony to the next. And such institutions as slavery, especially in the plantation South, and quasi-feudal landholdings in the Hudson Valley, presented great problems—but not nearly to the extent experienced by Great Britain. Above all, the rapid breakdown of attempts at imposing a feudal land system threw open land and areas of American life to a mobility and opportunity that Europe could not yet experience. The far greater democracy in the bulk of the American colonies than in England was a reflection of this breakdown. If liberty was to be achieved in the Western world, it was clear by the eighteenth century that America would have to take the lead—to achieve in practice the fruits of a theory generated in England.

One basic influence on colonial American thought was the fact that two contrasting traditions emerged from its Protestant and Puritan heritage. One was the fanatical theocratic persecuting tradition, which reached its apogee in Massachusetts Bay and in the Dutch Orange Party. The other was optimistic, individualist, libertarian, and even deistic, and was reflected in the Levellers, and in such escapees from Massachusetts as Anne Hutchinson and Roger Williams, and later in Charles Chauncy and Jonathan Mayhew.

Apart from ancient writers, three sources were the most frequently cited and quoted in eighteenth-century America, especially in the first half of the century: Algernon Sidney, John Locke, and Trenchard and Gordon of *Cato's Letters*. Each made a profound contribution to the growth and development of libertarian thought in America.

Algernon Sidney was one of the leading theorists of the Republican movement in seventeenth-century England. In particular, the doctrines expounded in his posthumously published *Discourses Concerning Government* were stamped on men's minds by the circumstances of his martyrdom. Arrested in the early 1680s, Sidney was killed in late 1683 by the Crown and thus dramatized the Republican and libertarian cause. Sidney's basic importance was his stress on the right of revolution. To Sidney, revolution and freedom were closely linked. Whenever people's liberties were threatened or invaded, they had the right, nay the *duty*, to rebel. Everyone might legitimately slay a tyrant, and there is much justification for defending the rights of individuals against tyranny. Revolution to Sidney was not an evil but the people's great weapon for the overthrow of tyranny and for exercising their

rights to popular government. There was nothing sacred about governments, which on the contrary should be changed as required. The types of law necessary in a country were to be discerned by man's reason investigating the fundamental laws of man's nature. Against the arbitrary whim of the ruler Sidney championed law as "written Reason" and as defense of life, liberty, and property: "If there be no other law in a kingdom than the will of a Prince, there is no such thing as liberty. Property also is an appendage to liberty; and 'tis as impossible for a man to have a right to lands or goods, if he has no liberty, and enjoys his life only at the pleasure of another, as it is to enjoy either when he is deprived of them."

Although Sidney urged popular government as against monarchy, he was no believer in the unlimited rights of Parliament. On the contrary, it was to be subordinated to the individual rights of the people. Power, he warned, inevitably corrupts and every institutional power must be guarded against. To Sidney, government rested on a contract between government and governed. When government fails to perform its role in the service of the people, it deserves to be removed. Nor can a people give up their liberties permanently or be bound to government by the dead hand of the past. In his *Dying Speech*, Sidney proclaimed that "God has left nations the liberty of setting up such governments as best please themselves." He thanked God that he had now become a witness to the truth and to the "Old Cause" of liberty against tyranny in "an age which makes truth pass for treason."

A liberal Republican and friend of Sir Henry Vane (the Massachusetts champion of Anne Hutchinson), Sidney had been unhappy with Cromwell's turn to tyranny and had spent the Republican years in retirement. He was then forced to spend the bulk of the Restoration years in exile, until his execution. Sidney's great classical model was Brutus and his stirring motto *Manus haec inimica tyrannis* ("This hand to tyrants ever sworn the foe," in the translation of John Quincy Adams).

Algernon Sidney's widening impact on America during the eighteenth century influenced the great liberal Massachusetts Congregational ministers Andrew Eliot and Jonathan Mayhew. Eliot testified that this "martyr to civil liberty" first taught him just principles of government. Indeed, the defense of revolution by the martyred Sidney was far more inspiring to Americans than the defense by the timorous John Locke. Sidney's historical honor roll consisted of those who had helped their countrymen get rid of tyrants. Injustice, to Sidney, made a government illegal. "Swords were given to men that none be slaves, but such as knew not how to use them," and "the law that forbids injuries were of no use if no penalty might be inflicted on those who will not obey it." Concluded Sidney: "Let the danger be never so great, there is a possibility of safety whilst men have life, hands, arms, and courage to use them, but the people must certainly perish, who tamely suffer

themselves to be oppressed . . . by the injustice, cruelty, and malice of an ill magistrate. . . .”*

If liberty found its martyr in Algernon Sidney, it found its elaborated systematic defense in the *Essay Concerning Civil Government* of the noted philosopher John Locke. The *Essay*, we now know, was written in the early 1680s at about the same time as Sidney's *Discourses*; it was therefore written when Locke too was a revolutionary plotter against Stuart rule, and *not*, as had been assumed, as a conservative *ex post facto* rationale for the Glorious Revolution of 1688.**

There were two strains in Locke's *Essay*: the individualist and libertarian, and the conservative and majoritarian, and examples of caution and inconsistency are easy to find. But the individualist view is the core of the philosophic argument, while the majoritarian and statist strain appears more in the later, applied portions of the theory. We know, furthermore, that Locke was an extraordinarily secretive and timorous writer on political affairs, even for an age when criticism could and did lead to exile and death. Hence, it is not unreasonable to assume that the conservative strain in Locke was a camouflage for the radically libertarian core of his position; certainly it was not difficult to concentrate on that core and make it the groundwork of a libertarian creed. And Locke's *Essay* was particularly worthwhile in that it soared above the usual narrowly parochial concern of the day for time and place: from English liberty, ancient privileges, and the common law, to a universal abstract political philosophy grounded on the nature of man.

Locke began his analysis with the "state of nature"—not as an historical hypothesis but as a logical construct—a world without government, to penetrate to the proper foundation of the state. In the state of nature, each man as a natural fact has complete ownership or property over his own person. These persons confront unused natural resources or "land," and they are able to maintain and advance themselves by "mixing their labor with the land." Through this mixing, the hitherto unowned and unused natural resources *become* the property of the individual mixer. The individual thereby acquires a property right not only in his own person but also in the land that he has brought into use and transformed by his labor.*** The individual, then, may

*The dying words of another contemporaneous martyr of the Stuarts, the Cromwellian Colonel Richard Rumbold, also served as inspiration to such revolutionary Americans as Thomas Jefferson: "I am sure there was no man born . . . with a saddle on his back, neither any booted and spurred to ride him."

**See the Peter Laslett edition of John Locke, *Two Treatises of Government* (Cambridge: At the University Press, 1960).

***Locke adopted the curious, theologically oriented view that the original unused land was given to mankind in common and was then taken out of this common stock by individual labor. Actually, in fact, original land being unused was therefore *unowned* by anyone, individual or communal. It should be mentioned that, contrary to some historians, Locke's "labor theory of property" has no relation to the "labor theory of value" of Karl Marx and other socialist authors.

keep this property, exchange it for the property of others, or bequeath it to his heirs.* He has the "natural right" to the property and to defend it against invasion by others. The moral justification for government, to Locke, was to defend these rights of property. Should government fail to serve this function, and itself become destructive of property rights, the people then have the right to revolt against such government and to replace it with one that will defend their rights.** Thus, Locke, by the use of reason in investigating the laws of man's nature, adumbrated the doctrine of the natural rights of the individual to person and property, rights that are anterior to government and that government is duty-bound to defend, on pain of a justified overthrow.

Locke is clear that aggression and invasion of another's right can establish no just title to property or rule, and that this holds for great heads of states as well as for petty criminals: "The injury and the crime is equal, whether committed by the wearer of a crown or some petty villain. The title of the offender and the number of his followers make no difference unless it be to aggravate it. The only difference is, great robbers punish little ones to keep them in their obedience, but the great ones are rewarded with laurels and triumphs, because they are too big for the weak hands of justice in this world, and have the power in their own possession which should punish offenders." As to the legislature,

The reason why men enter into society is the preservation of their property; and the end why they choose and authorize a legislature is that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society . . . whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge which God hath provided for all men against force and violence.

Locke's reply to the critics of his theory of revolution was trenchant: Those who oppose the right to revolution as turbulent and destructive "may as well say, upon the same ground, that honest men may not oppose robbers or pirates, because this may occasion disorder or bloodshed. If any mischief come in such cases, it is not to be charged upon him who defends his own right, but on him who invades his neighbor's."

*Macpherson has shown that Locke's state of nature includes a free market for exchange of property, including monetary exchanges, all of which is logically anterior to government (C. B. Macpherson, *The Political Theory of Possessive Individualism* [Oxford: Clarendon Press, 1962], pp. 208 ff.).

** It is a misconception to accuse Locke of setting "property rights" above "human rights." For the two were conjoined: property rights included the right of the individual's property in his own person.

To the objection that his theory allowed for frequent revolution, Locke countered that "such revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty will be borne by the people without mutiny or murmur. But if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people . . . tis not to be wondered that they should then rouse themselves. . . ."

The third great influence on America, and perhaps the most widely cited source in the colonies, was the works of John Trenchard and Thomas Gordon, especially their *Cato's Letters*. We have already noted the influence of the letters on the freedom of the press, as well as the strong influence of Trenchard and Gordon's contemporaneous *Independent Whig* series, both written in the early 1720s. Trenchard and Gordon were part of a small group of Englishmen who during the eighteenth century kept alive the torch of liberal Republican principles. This group was variously called "Commonwealthmen," "Real Whigs," or "true Whigs."

The great significance of *Cato's Letters* is that in them the wealthy John Trenchard and his young protégé Thomas Gordon greatly radicalized the impact of Locke's libertarian creed. They did so by applying Lockean principles to the concrete nature and problems of government, in a series of powerfully argued and hard-hitting essays that were often cited and reprinted and widely read throughout the American colonies. *Cato's Letters* did more than merely restate Lockean doctrine. From the position that the people have the right to revolt against a government destructive of liberty, "Cato" proceeded to argue with great force that government is always and everywhere the potential or actual aggressor against the rights and liberties of the people. Liberty, the source of all the fruits of civilization and human happiness, is ever liable to suffer the aggressions and encroachments of government, of power, the source from which war, tyranny, and impoverishment ever flow. Power always stands ready to conspire against liberty, and the only salvation is for the public to keep government within strictly limited bounds, and to be ever watchful, vigilant, and hostile to the inevitable tendencies of government power to encroach upon liberty.

Expounding Lockean doctrine, "Cato" puts it thus:

All men are born free; Liberty is a gift which they receive from God himself; nor can they alienate the same by consent, though possibly they may forfeit it by crimes. . . . The right of the magistrate arises only from the right of private men to defend themselves, to repel injuries, and to punish those who commit them: that right being conveyed by the society to their public representative, he can execute the same no further than the benefit and security of that society requires he should. When he exceeds his commission, his acts are as extrajudicial as are those of any private officer usurping an unlawful

authority; that is, they are void; and every man is answerable for the wrong which he does. A power to do good can never become a warrant for doing evil.

Liberty "Cato" defined as "the power which every man has over his own actions, and his right to enjoy the fruit of his labour, art, and industry, as far as by it he hurts not the society, or any members of it, by taking from any member, or by hindering him from enjoying what he himself enjoys. The fruits of a man's honest industry are the just rewards of it, ascertained to him by natural and eternal equity, as is his title to use them in the manner which he thinks fit: And thus, with the above limitations, every man is sole lord and arbiter of his own private actions and property."

From liberty all other blessings flow:

Indeed liberty is the divine source of all human happiness. To possess, in security, the effects of our industry, is the most powerful and reasonable incitement to be industrious: And to be able to provide for our children, and to leave them all that we have, is the best motive to beget them. But where property is precarious, labour will languish. The privileges of thinking, saying, and doing what we please, and of growing as rich as we can, without any other restriction, than that by all this we hurt not the public, nor one another, are the glorious privileges of liberty; and its effects, to live in freedom, plenty, and safety.

Moreover, "Cato" made clear that the rights and liberties he was enunciating were individual and not those of the majority. The despotism of the majority can be as bad as the tyranny of one or a few:

It is a mistaken notion in government, that the interest of the majority is only to be consulted, since in society every man has a right to everyman's assistance in the enjoyment and defense of his private property; otherwise the greater number may sell the lesser, and divide their estates amongst themselves; and so, instead of a society, where all peaceable men are protected, become a conspiracy of the many against a minority. With as much equity may one man wantonly dispose of all, and violence may be sanctified by mere Power.

But in this idyll of liberty there is always and ever the threat of the encroachments and aggressions of power, of government:

Only the checks put upon magistrates make nations free; and only the want of such checks makes them slaves. They are free, where their magistrates are confined within certain bounds set them by the people. . . . And they are slaves, where the magistrates choose their own rules, and follow their lust and humours; than which a more dreadful curse can befall no people . . . and therefore most nations in the world are undone, and those nations only who bridle their governors do not wear chains.

Once acquiring power, rulers will try their best to keep and extend it:

We know, by infinite examples and experience, that men possessed of Power, rather than part with it, will do any thing, even the worst and the blackest, to keep it; and scarce ever any man upon earth went out of it as long as he could carry everything his own way in it . . . This seems certain, that the good of the world, or of their people, was not one of their motives either for continuing in Power, or for quitting it.

It is the nature of Power to be ever encroaching, and converting every extraordinary power, granted at particular times, and upon particular occasions, into an ordinary power, to be used at all times, and when there is no occasion; nor does it ever part willingly with any advantage.

If liberty for "Cato" is the source of human happiness, the tyranny of power is the source of vast human misery:

Tyrants . . . reduce mankind to the condition of brutes, and make that Reason, which God gave them, useless to them: They deprive them even of the blessings of nature, starve them in the midst of plenty, and frustrate the natural bounty of the earth to men; so that Nature smiles in vain where tyranny frowns: The very hands of men, given them by Nature for their support, are turned by tyrants into the instruments of their misery, by being employed in vile drudgeries or destructive wars, to gratify the lust and vanity of their execrable lords . . .

Tyrants . . . are supported by general ruin; they live by the destruction of mankind; and as fraud and villainy, and every species of violence and cruelty, are the props of their throne; so they measure their own happiness, and security, and strength, by the misery and weakness of their people. . . That wealth, which dispersed amongst their subjects, and circulated in trade and commerce, would employ, increase, and enrich them . . . is barbarously robbed from the people, and engrossed by these their oppressors . . .

Alas! Power encroaches daily upon Liberty, with a success too evident; and the balance between them is almost lost. Tyranny has engrossed almost the whole earth, and striking at mankind root and branch, makes the world a slaughterhouse; and will certainly go on to destroy, till it is either destroyed itself, or, which is most likely, has left nothing else to destroy.

The corruption and lust for power in human nature are the cause of the aggressive nature of power, and therefore require eternal vigilance against power's encroachments:

There has been always such a constant and certain fund of corruption and malignity in human nature, that it has been rare to find that man, whose views and happiness did not center in the gratification of his appetites, and worst appetites, his luxury, his pride, his avarice, and lust of power and who considered any public trust reposed in him, with any other view, than as the means to satiate such unruly and dangerous desires! And this has been most eminently true of Great Men, and those who aspired to dominion. They were first made

great for the sake of the public, and afterwards at its expense. And if they had been content to have been moderate traitors, mankind would have been still moderately happy; but their ambition and treason observing no degrees, there was no degree of vileness and misery which the poor people did not feel.

The appetites therefore of men, especially of Great Men, are carefully to be observed and stayed, or else they will never stay themselves. The experience of every age convinces us, that we must not judge of men by what they ought to do, but by what they will do; and all history affords but few instances of men trusted with great power without abusing it, when with security they could.

"Cato" assured his readers that there was no danger that the public might exercise its right of revolution against tyrannical government too frequently or imprudently; due to settled habits, as well as the propaganda and power of government, the danger is quite the reverse:

It is foolish to say, that this doctrine can be mischievous to society, at least in any proportion to the wild ruin and fatal calamities which must befall, and do befall the world, when the contrary doctrine is maintained: For, all bodies of men subsisting upon their own substance, or upon the profits of their trade and industry, find their account so much in ease and peace, and have justly such terrible apprehensions of civil disorders, which destroy everything that they enjoy; that they always bear a thousand injuries before they return one, and stand under the burdens as long as they can bear them. . . .

What with the force of education, and the reverence which people are taught, and have been always used to pay to princes; what with the perpetual harangues of flatterers, the gaudy pageantry and outside of Power, and its gilded ensigns, always glittering in their eyes; what with the execution of the laws in the sole power of the prince; what with all the regular magistrates, pompous guards and standing troops, with the fortified towns, the artillery, and all the magazines of war, at his disposal; besides large revenues, and multitudes of followers and dependents, to support and abet all that he does: Obedience to authority is so well secured, that it is wild to imagine, that any number of men, formidable enough to disturb a settled State, can unite together and hope to overturn it, till the public grievances are so enormous, the oppression so great, and the disaffection so universal, that there can be no question remaining, whether their calamities to be real or imaginary, and whether the magistrate has protected or endeavoured to destroy his people.*

The American colonists eagerly imbibed from Trenchard and Gordon, not only the Lockean doctrine of individual liberty and of the right of revolution against government in what Professor Bernard Bailyn has justly called a "superbly readable" form; but also, and even more important, the dichotomy between liberty and power, and the ever-constant threat to the crucial liberties of the people by the eternal incursions and encroachment

*John Trenchard and Thomas Gordon, *Cato's Letters*, in D. L. Jacobson, ed., *The English Libertarian Heritage* (Indianapolis: Bobbs-Merrill Co., 1963), pp. 108-9, 114-15, 118-19, 127-29, 133-34, 193-94, 196, 256-57.

of governmental tyranny. Even more concretely, Trenchard and Gordon were not afraid to point to the corruption and the increasing power of government and its bureaucracy in the relatively free England of their day. It was a warning that the American colonists were eagerly to take to heart.*

Libertarian English views were also brought to America with a dramatic burst by the great liberal Massachusetts minister, Jonathan Mayhew. We have seen how this deist and Unitarian studied Locke at Harvard and was later to laud the influence upon him of Locke and Algernon Sidney. In early 1750, Mayhew delivered his most celebrated political sermon, significantly as a centennial celebration of the execution of Charles I: *A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers*.

This sermon, which has been called the "warning gun of the [American] Revolution," was the first expression in eighteenth-century America of the sacred right of resistance to tyrannical government. Reason, said Mayhew, dictates the usefulness of obedience to government for social protection; but when government becomes oppressive, when it robs and ruins the public, then "they immediately cease to be the ordinance and ministers of God, and no more deserve that glorious character than common pirates and highwaymen. Rulers," continued Mayhew, "have no authority from God to do mischief, and citizens have the right to disobey 'unlawful' authority," and "in cases of very great and general oppression . . . to vindicate their natural and legal rights, to break the yoke of tyranny, and free themselves and posterity from inglorious servitude and ruin." Following Locke and "Cato," Mayhew pointed out that there was little danger of revolution for trivial causes, for "mankind in general have a disposition to be . . . submissive and passive and tame under government. . . ."

Mayhew also stressed every man's right and duty of "private judgment," basing this in turn on the nature of man: his capacity for reason and freedom of will to choose his course of action. And as criteria for choice, the individual had available to him knowledge of truth and rightness rooted eternally in the "nature of things."

The 1744 pamphlet of the Reverend Elisha Williams of Massachusetts, *The Essential Rights and Liberties*. . . , was also frankly Lockean throughout. Writes Williams:

As reason tells us, all are born thus naturally equal, i.e. with an equal right to their persons; so also with an equal right to their preservation . . . and every man having a property in his own person, the labour of his body and the

*On *Cato's Letters* and their great influence in America, see Bernard Bailyn, *The Origins of American Politics* (New York: Random House, 1968), pp. 35-44, 54; and Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, Belknap Press, 1967), pp. 35-37, 43-45, and *passim*.

work of his hands are properly his own, to which no one has right but himself; it will therefore follow that when he removes anything out of the state that nature has provided and left it in, he has his labour with it, and joined something to it that is his own, and thereby makes it his property Thus every man having a natural right to [or being proprietor of] his own person and his own actions and labour, which we call property; it certainly follows, that no man can have a right to the person or property of another. And if every man has a right to his person and property; he has also a right to defend them . . . and so has a right of punishing all insults upon his person and property.

Consequently, a law violating natural and constitutional rights is no true law and requires no obedience. The natural right of private judgment was also upheld by the Reverend William Rand of Massachusetts in 1757, and by the Reverend Joseph Fish of Connecticut three years later.

During this period, many of the New Light ministers, under pressure of establishment persecution in several colonies, began to move towards a libertarian position. Elisha Williams was a New Light. The Reverend Samuel Davies, leader of the Southern New Side Presbyterians, declared in 1751 that people had a "legal as well as natural right to follow their own judgment," and to gauge governmental authority against the great principles of natural justice. Davies' focus, of course, was on religious aspects of liberty. Princeton, the training ground of the New Lights, soon developed as a libertarian center. Davies, president of Princeton from 1759 to 1761, lauded the English Puritan Revolution and exhorted his listeners to fight if need be for their liberties. His predecessor, the Reverend Aaron Burr, was noted as a "great friend to liberty, both civil and religious," in state and church.

"Separates"—New Lights in Massachusetts and Connecticut who insisted on clear-cut separation from the state establishment—petitioned extensively for religious liberty and exemption from church taxes, even though the petitions were almost always spurned by the government. Daniel Hovey, of Mansfield, was imprisoned in 1747 for refusing to pay the church tax, and petitioned for relief on the ground that liberty of conscience was "the unalienable right of every rational creature." The Separates of Canterbury went beyond this to include the right of liberty and property. In their petition of 1749, they asserted that God's law strictly limited the functions of government to "defense of everyone in the free enjoyment and improvement of life, liberty, and property from the force, violence and fraud of others; their different opinions in ecclesiastical affairs notwithstanding." The Canterbury Separates also insisted on the natural right of parishioners to dissent and to separate from *them*—a welcome consistency for that or indeed for any era. Another leading libertarian petition came in 1743–44 from Exeter, Massachusetts. The petition asked: "Is not liberty equally every man's right . . . ?" The Exeter Separates asserted the right of private judgment,

the right to separate, and the right to be free of taxes for a religious establishment. And though it was rejected, they petitioned again eleven years later.

While England was the great fountainhead of intellectual influence in eighteenth-century America, France also was important, even in the first half of the century, more so than has been generally believed. By far the most widely read French writer in the colonies was the great French liberal and deist, François Voltaire. Despite the enormous prejudice in America against Roman Catholicism and against France, Voltaire was able to make his way as a representative of deist and optimist thought, and especially as an avowed disciple of John Locke. For liberalism in eighteenth-century France was a heritage of seventeenth-century liberalism in England, and especially of John Locke. The young Voltaire spent three years of exile in England, in the late 1720s, and there became a firm advocate of religious liberty and of freedom of speech and press, and of Locke as their philosophical groundwork. Voltaire's libertarian views were therefore English by inspiration and in content.

Voltaire conveyed this liberalism to France with his *Philosophical Letters on the English*, published in English in 1733 and then in French in 1734. In the *Letters* he spread the Lockean message to the Continent. He also praised the Quakers for their condemnation of war. His English exile also influenced Voltaire to write modern European history. His popular *History of Charles XII* was published so that people would "be cured of the folly of conquest."

It is the curious belief of many writers that whereas English liberalism was moderate, pragmatic, and cautious, *French* liberalism was destructive, absolutist, and revolutionary. The truth is almost the reverse. Liberalism emerged as a coherent doctrine and as a full and powerful force in seventeenth-century England, and a thoroughgoing revolutionary force at that. French liberalism in the following century was frankly taken from England, albeit at a time when English liberal thought had been all but stifled by the Whig "settlement." But French liberals despaired of the odds of fomenting revolution against the might of French feudalism and royal absolutism, which were far more rigidly fastened upon France than upon England. The eighteenth-century French liberals therefore remained content with the futile cause of urging liberty upon the royal power as a free gift to the people. A vain hope. When in history has a ruling elite voluntarily surrendered its power and rule as a free gift, unpressured by severe and persistent opposition from below?

PART III

Relations with Britain

Assembly Versus Governor

We have so far been discussing events and conditions in the American colonies that have been essentially "domestic," occurring within a specific colony or within the colonies as a whole. Now we turn to relations and problems that were essentially "foreign"—relations with the home country and, as part of the British Empire, other countries, especially their possessions on the American continent. While a hard and fast line cannot be drawn between domestic and overseas, or internal and external relations of an imperial appendage, we can still delineate such "domestic" developments as the growth of liberal thought (even though heavily influenced from abroad), as against such *directly* imperial relations as Assembly versus royal governor, mercantilist regulations, or such foreign affairs as war against New France.

By the first half of the eighteenth century, the internal political institutions of the various colonies had reached an uneasy overall quasi-stability, within which a tug-of-war for power raged between an appointed royal governor and Council on the one hand, and an elected Assembly on the other. The governor had an absolute veto over acts of the legislature, and the Council was appointed by the Crown on recommendation of the governor. The notable exception was Massachusetts, where the Council was elected by the Assembly. The governor and Council not only constituted the upper legislative body, (with the governor as the supreme executive of the colony), but also constituted the supreme judicial agency creating and appointing the lower courts. Furthermore, governors, as designated vice admirals, also established vice admiralty courts to try Navigation Act violations. Appeals, confined to major cases, could only be taken from judicial

decisions of governor and Council to the supreme organ of the Crown (under the king), the Privy Council. Above and beyond the governors, of course, was the Crown, which could disallow the acts of colonial legislatures. The Crown also appointed customs officials to collect customs revenue, and naval officers to enforce the Navigation Acts. While never in command of naval forces, the governors of New York, South Carolina, and Georgia commanded regular troops stationed on the frontier. As controllers of the public domain, the governors also had authority to make grants of land to whom they pleased.

The Assemblies, however, were not without formidable resources of their own. Their major resource was that *sine qua non* of government: money. Only the Assemblies could levy taxes and appropriate funds for the government, including such crucial items as governors' salaries. Also, the Assemblies' consent was needed for any positive legislation in the colonies. In addition, the Assembly established the common-law courts, with their critical guarantee of the right to trial by jury, that is, by the people rather than by royal officials.

The picture was not very different in the proprietary colonies (Pennsylvania, Delaware, and Maryland), where the proprietary took on the chief executive role (appointing the governor, trying to collect quitrents, etc.), under the overall watchful eye of the Crown. Only the chartered colonies (Connecticut and Rhode Island), which elected their own governors, presented a different picture, and even this virtual independence was subject to the overall regulations of the Crown.

Throughout the colonies, the tug-of-war of royal governor and Council versus the elected Assembly had by the middle of the eighteenth century resulted in marked dominance by the Assembly. In each of the colonies, the critical money power of the Assembly over the governor helped the colony establish a virtual *de facto* control over the executive, and hence a virtual independence by midcentury. One important reason for the emergent triumph of the colonial Assemblies, as will be seen below, was the deliberate failure of the British government to enforce the numerous mercantile restrictions over the colonies throughout most of the first half of the eighteenth century. But this still does not solve the puzzle of the increasingly feeble executive power in the respective colonies. In his brilliant work *The Origins of American Politics*, Professor Bernard Bailyn posed the question as follows: How is it that in Britain, where the Parliament was theoretically absolute, the king and his ministers were in practice able to dominate a supine Parliament, whereas in the American colonies, where the governor was theoretically dominant, he invariably lost out to Assembly rule? Why was the executive able to dominate in the home country, but not in the colonies? This disparity, Bailyn pointed out, is particularly puzzling because (a) the colonial governors had the right of absolute veto over

legislation, whereas the king had no veto over acts of Parliament; (b) the governors had the legal right to delay or dissolve the legislatures, whereas the king had lost that power in Britain; and (c) the governors constituted the supreme judicial power in the colonies, while the Crown had been forced to accept independent judges in Britain.'

How, then, the accretion of power to the executive in Britain, accompanied by its decline in the colonies? Bailyn answered that the crucial difference between the two was what English libertarians of the day denounced as corruption—the ability of the Crown and its ministers to buy up, to put it bluntly, the will of Parliament. In Britain, the patronage at the control of the Crown was enormous, enabling the ministers to purchase parliamentary support. As Bailyn points out, in Britain

some boroughs—twenty-five or thirty—were owned outright by the government in the sense that a majority of their electorates were officeholders who could be dismissed if they opposed the government; in others the election of members favorable to the government could be assured by the proper application of electioneering funds. Beyond this, control of the House was assured by the distribution of the crown patronage available to any administration and by the management of the corps of placemen that resulted. In the middle of the eighteenth century about 200 of the 558 members of the House of Commons held crown places of one sort or another, and another thirty or forty were more loosely tied to government by awards of profitable contracts. Of those who held places, forty at least held offices intimately involved in the government and were absolutely reliable. The other 160 held a variety of sinecures, household offices, pensions, and military posts which brought them well within the grasp of the administration but yet required constant solicitation and management. A fluctuating number of other members were bound to the government less directly, particularly by the gift to their nominees of one or more of the 8,000 excise offices available.*

Bailyn concludes that for executive dominance of the legislature, several preconditions had to exist: notably, the existence of an abundance of patronage and places; and a strictly limited franchise, "for the larger the voting population the greater the government's difficulty in controlling elections." England, with a mass of patronage at the disposal of the Crown, its severely limited franchise, and a plethora of "rotten" and "pocket" boroughs represented in Parliament, had these conditions in abundance in the eighteenth century. But, Bailyn points out, these preconditions for executive control and manipulation of the legislature were conspicuous by their absence in the American colonies. While the governors began with limited but yet extensive patronage powers, they were systematically stripped of them by royal prescription and, most importantly, by the alert and continuing pressure

*Bernard Bailyn, *The Origins of American Politics* (New York: Random House, 1968), pp. 28–29.

of the Assemblies, which won for themselves ever-increasing powers of appointing executive and judicial officials. The Assemblies did so under the guidance of *Cato's Letters* and other expressions of libertarian hostility to the deeply corrupting powers of executive patronage.

The Assemblies, in contrast to the Parliament, were moved to assert themselves to obtain such powers by virtue of the far greater representation and the far more extensive franchise in the colonies than in the mother country. There were no rotten or pocket boroughs in the colonies, and representation far more accurately proceeded proportionately to the growth and dispersion of population. Whereas the common forty-shilling land-ownership qualification for voting proved highly restrictive in Britain, it turned out to be highly permissive in the colonies; usually, from fifty to seventy-five percent of the adult male white population in the colonies was eligible to vote. Additional relative advantages enjoyed by the colonial legislatures were: the early growth of express and rigorous instructions by the towns and counties to their representatives, binding them to the will of the voters—a practice which scarcely existed in England; the impermanence of the tenure of the governors, in contrast to the lengthy tenure of the leading assemblymen; and the ability of the colonies to go over the heads of the governors to the authorities in Britain.*

Adding to the virtual independence, by midcentury, of the colonies and their Assemblies was the determination of the British government not to enforce the myriad of mercantilist regulations passed by Parliament, controlling and restricting the trade and industry of the colonies.

**Ibid.*, pp. 66–95.

Mercantilist Restrictions

The fundamental attitude of England toward its colonies was one of imperial domination, regulation, and exploitation for the benefit of the merchants and manufacturers of the imperial center. The basic mercantilist structure was built up by the Navigation Acts during the seventeenth century, even before Britain was in a position to attempt to enforce these regulations. The aim was to benefit English trade, and to supply the home country with raw materials, but always for the enhancement of the English merchant or manufacturer. The means was a growing network of restrictions and prohibitions, to be enforced by the arm of the state.

The Navigation Acts had begun with the Cromwellian Protectorate, as the Puritan Revolution began to be transformed into the counterrevolution, and eventually into a not very jolting Restoration of the Stuarts. The first acts of 1650–51 prohibited the export of colonial and non-European products to Britain in ships not owned or largely manned by Englishmen (or English colonists), and prohibited the export of European goods to the colonies in non-English ships that did not come from the producing country. The major aim of the acts was to crush the efficient and flourishing Dutch carrying trade, which provided unwelcome competition for English shippers.

The Navigation Act of 1660 greatly broadened the navigation laws by prohibiting in colonial trade all non-English or non-American ships manned by crews less than seventy-five percent English. An early addition also insisted that the ships must be English-built. Furthermore, the act erected a category of "enumerated articles"—the most important commodities in the colonial trade—which Americans could sell only to England or to another English colony. Thus, other European countries could not bid against English

purchasers or English shippers. Tobacco was the major commodity in the enumerated list, which also included sugar and indigo.

The next Navigation Act, the Staple Act of 1663, assured a monopoly of colonial trade to English merchants by prohibiting any import of European goods into the colonies that did not pass through England and pay English duties, and were not carried on English-built ships. (There were a few specified exemptions.) The extra tax also constituted a subsidy to English manufacturers in the colonial market by artificially burdening their foreign competitors.

From the beginning, the Crown had great difficulty in enforcing these acts, and the American colonists happily participated in the ancient English tradition of extensive smuggling. The later blocks of the Navigation Act structure consisted of attempts to counteract these evasions and enforce the regulations. The Plantation Duty Act of 1673 tried to crack down on the practice of one colony shipping tobacco to another (for instance, Virginia to Maryland, or North Carolina to Boston), the second colony then freely reexporting the staple to Europe. The new act provided that the colony must pay the English import duty on all shipments of enumerated goods from one colony to another, and also prohibited their reexport. The act also provided for colonial royal customs collectors, of whom the redoubtable Edward Randolph was an outstanding early example.

The climactic Navigation Act came in 1696. It provided for tightened enforcement of previous acts, including giving customs officials the right of forcible entry in search for violations, and the creation of vice admiralty courts without jury trials for violators, thus trying to circumvent the tendency of American juries not to convict smugglers. Furthermore, in 1705, the list of enumerated articles was lengthened to include rice, molasses, timber, and naval stores, plus many other items. Copper and fur were added in 1722.

To supervise the workings of the imperial structure and to administer the colonies, the Crown established several important agencies. The continuing operating head was the Board of Trade, newly revived in 1696, with eight paid and active members and allied to the English merchants. During its first twenty years, the board pursued an energetic course, but by the early 1720s, it had succumbed to the happy and deliberate indolence of the Walpole administration in England. In 1714, Queen Anne, a high Tory possessed of reactionary instincts, died and was succeeded to the throne by George I. With King George, the Whigs came securely to power, and in 1722 Robert Walpole entered upon a long tenure as the king's chief minister. Walpole, moderately liberal and pacific, headed a centrist Whig oligarchy. Walpole wanted only to govern in peace and quiet, to keep government meddling low-key, and to let natural social forces bring prosperity to England. He was

wise enough to know that an inactive and sluggish—and therefore harmless—government implied an active and thriving citizenry.

Under Walpole not only did the Board of Trade become quiet and inactive, but also the once powerful Privy Council became an innocuous and virtually honorary body. The colonies were governed by one of Britain's two secretaries of state—the secretary of state for the Southern Department. His foreign duties included not only all the colonies but France and southern Europe as well. Under Walpole's rule, the American colonies found to their delight that the numerous mercantile regulations, prohibitions, and dictates were simply not being enforced. One reason was Walpole's happy instincts for letting men be free to administer their own affairs, as well as his insight that colonial trade needed to be let alone rather than regulated and restrained. Another reason was the heavy burdens laid upon the secretary of state. The third was Walpole's inspired choice for secretary of state for the South. This was young Thomas Holles Pelham, Duke of Newcastle.

Willing and eager to leave the colonies alone so long as he could control the patronage of his office, Newcastle pursued a policy of what was later happily conceptualized by Edmund Burke as "salutary neglect." Under Newcastle, delighted Americans found that the onerous regulations, restrictions, and charges upon them were simply not being attended to. Newcastle brought the activists of the British colonial administration to despair as messages piled up on his desk unread and unheeded. Newcastle has too often been written off as a dolt by historians. Better would be the explanation that he was close to the moderately liberal Whig intellectuals of St. John's College, Cambridge, where Master John Newcome kept alive a tradition of civil liberty and of Locke and Newton. Newcome's nephew, Bishop Samuel Squire—also an historian, and educated at St. John's—became Newcastle's chaplain and private secretary. Particularly beloved in the colonies was John Lord Monson, president of the Board of Trade in the 1740s, who magnificently refused even to submit colonial business to higher authorities or to make any recommendations whatever on colonial affairs.

Apart from the Navigation Acts, other imperial restrictions on the colonies were designed to cripple any threatened growth in manufactures that might compete successfully with English firms. As woolen factories began to develop in New England and on Long Island in effective competition with English woolens, England passed the Wool Act in 1699, viciously prohibiting any exportation of raw wool or of finished woolens to any other colony—or to England. Woolen goods in this period constituted the largest single item (over one-half) of British exports to the American colonies, and the British manufacturers were anxious to shore up their position. Although it is easier to enforce restrictions on manufacturing than on the more mobile commerce, and although the Wool Act blighted the development of

American woolens, the industry was still able to grow. In 1702, the Board of Trade grumbled about English wool workers being "enticed" to America to work at the more efficient and therefore higher-paying woolen firms there. During the War of the Spanish Succession, a shortage in the available supply of English cloth led Americans to manufacture their own woolens, especially in Rhode Island and Massachusetts. To escape the provisions of the Wool Act, the colonists often drove their sheep to and from the place of woolen manufacture, since carrying the wool itself out of a colony had been outlawed.

In 1732, Parliament, under pressure of marginal and inefficient felt hat-makers in London, moved to crush nascent hat manufacturers in the Northern colonies. The Hat Act (1) prohibited the export of hats from one colony to another; (2) restricted the people allowed to make hats to those who had been apprenticed for seven years; (3) limited the number of apprentices in each hat firm to two; and (4) prohibited Negro apprentices. Fortunately, the act was only sporadically enforced. In fact, Martin Bladen of the Board of Trade ranted that the colonies were "running into all sorts of manufactures, which must be stopped." Bladen went so far as to propose that people acquitted of violations in colonial courts be retried in England, but, fortunately, this extreme suggestion was not followed.

During the same year, Parliament outlawed the export of hops from the colonies to Ireland, in reaction to American hops competing successfully with the English in the Irish market. Before this, in 1722, beaver skins, furs, and copper had been placed on the enumerated list, thereby at least partially crippling the New York fur trade, over a third of which exports had been to the European continent. In 1736, four years after the Hat Act, Parliament struck savagely at the growing colonial manufacture of canvas (sailcloth), decreeing that all future ships built in the colonies must be constructed with sails of British-made cloth only.

The Iron Act of 1750 was a compromise between two groups of English manufacturers, each seeking a conflicting set of special privileges. The iron industry, second only to the woolen industry in importance to the English economy, was divided into two groups: the iron masters, who smelted pig and bar iron from iron ore; and the finished-iron manufacturers, who transformed pig and bar iron into nails, machinery, etc. The economic interests of the two groups in public policy clashed squarely: the iron masters were alarmed at the rapid emergence of bar-iron production in the Northern colonies after 1735, and with bitterness they called for prohibitive tariffs on the importation of pig iron and even the total suppression of the American iron industry. In this demand they were joined by English iron-mine owners and by forest owners who sold charcoal as fuel in the iron-

smelting process. On the other side were the finished-iron producers, who wanted to encourage American bar- and pig-iron production by admitting its products duty-free, but to prohibit finished-iron manufacturing in the colonies. They were joined by the English shipowners, who wanted to encourage the two-way transatlantic traffic of pig iron for finished products.

Finally, the latter group triumphed completely with the Iron Act of 1750. The act admitted colonial pig and bar iron duty-free but prohibited any increase in finished-iron manufacturing, including slitting mills (to make nails), plating mills (to make sheet iron) or steel furnaces (to make steel). Fortunately, the Iron Act too was not very rigorously enforced. The iron industry continued to grow in the colonies, the urban finishing mills as well as the rural "plantation" blast furnaces for smelting ore into pig iron, and forges for converting pig into bar iron. The colonists, moreover, continued to finish most of their own bar iron. Ironworks were built in every colony but Georgia; the heaviest concentrations soon emerged in Pennsylvania around the Philadelphia area. However, the largest plants, each a large-scale investment of \$250,000, were the Principio works in Maryland and the works of Peter Hasenclever in New Jersey, the bulk of which was blast furnaces and forges for pig and bar iron. By the eve of the American Revolution, American production of pig and bar iron had exceeded the output of all of Great Britain.

The British government, as early as the seventeenth century, had placed great importance on trees for masts for the Royal Navy. Although Britain acted to suppress competing colonial manufactures, it wished to stimulate supplies for the navy; for this purpose it coercively diverted colonial timber to the production of masts and other naval stores. The main conflict centered around this question: Who should gain the use and the profit of the larger trees suitable for naval stores, the individual settlers or the Royal Navy? The Royal Navy first struck a blow in the imposed Massachusetts charter of 1691, which decreed the reservation to the Crown of all trees of twenty-four inches or larger in diameter then situated on the public domain. The charter provision, however, was not enforced.

One of the main problems in trying to force American (particularly New Hampshire) timber into naval stores was that such use was uneconomic. Northern European naval stores were cheaper and of considerably higher quality. And the colonists had better and more profitable uses for their timber. A network of subsidies and prohibitions was therefore imposed; the New England merchants, for example, refused to produce naval stores unless the admiralty granted them the privilege of the advance guarantee of a fixed price, a fixed quantity, and a long-term contract. In 1705, the Naval Stores Act, accordingly, (1) extended the prohibition on private cutting to pitch-pines and tar trees on the public domain, and to trees with

twelve-inch diameters or more (but the diameter was measured from higher up than in the Massachusetts charter) located in any of the Northern colonies; (2) placed naval stores on the enumerated list; and (3) granted generous bounties for the exporting of naval stores to England, including pitch, tar, rosin, turpentine, hemp, masts, and other timber. Thus the carrot was combined with the stick. Cutting of the bigger trees, moreover, could be done only under special royal license.

To ensure enforcement of the restrictions and to encourage naval-stores production, the English merchants had the Board of Trade send John Bridger to the colonies. Concentrating on the New Hampshire coast, Bridger was still unable to enforce the restrictions. What is more, the Massachusetts General Court refused to follow the lead of New Hampshire in reaffirming the restrictive clauses of the Massachusetts charter. Consequently, Parliament passed the White Pine Act of 1711, extending those provisions of the charter to New England, New York, and New Jersey. Moreover, the White Pine Act of 1722 prohibited cutting without royal license any white pine trees that were publicly or privately owned and growing outside township limits in New England, New York, or New Jersey.

The restrictions still proved unenforceable. As Bridger began to get convictions of woodsmen committing violations, the neighbors of the offenders refused to buy their condemned property at auctions and therefore the government could not collect its fines. Furthermore, Bridger's zeal was cooled by woodsmen threatening to shoot him if they caught him interfering with their livelihood. The sturdy New Hampshire frontiersmen, dependent on timber cutting for their livelihood, averred that "the king has no wood . . . and they will cut what and where they please." Indeed, the regulations could not be enforced, even though further restrictions were imposed on the cutting of pine trees. In 1729, cutting of any pine on public lands, even within township bounds, required a license, and any cutting on private lands (that had become private since 1690) of trees over twenty-four inches in diameter was prohibited without a license. Furthermore, in 1722, exclusive jurisdiction over the timber laws was turned over to the royally appointed and juryless vice admiralty courts.

Trying to enforce the tightened restrictions was the tyrannical Scot David Dunbar, surveyor general of the King's Woods and lieutenant governor of New Hampshire. But Dunbar was checked not only by the decided lack of enthusiasm of Governor Jonathan Belcher, but also by magnificent countersuits filed by the timber-cutters for defense of their property against the surveyor. The countersuits, moreover, were tried in the anti-timber-law civil courts of New England. In reaction, Dunbar began to seize and destroy the timber and equipment of the illegal loggers. In 1734, a pitched battle broke out near Exeter, New Hampshire. Dunbar

and his men found a party of illegal woodsmen and seized their cut timber. The infuriated woodsmen struck back, and Dunbar's men were beaten up and Dunbar himself endangered. The unsympathetic New Hampshire Council refused Dunbar's request for military support.

The New England courts were understandably inclined to regard the surveyor's new power to reserve private trees for the Royal Navy as an invasive trespass against private property. Particularly galling to the colonists was the reservation of all pine trees to the Crown except for privately owned ones within township limits. Even Dunbar tried to permit the cutting of smaller pines unsuitable for ship masts, but he was sharply overruled by the Crown. When an employee of the naval subcontractor and merchant Samuel Waldo cut marked timber on private land for sale to the navy, he was arrested for trespassing and fined by the justices of the peace. Waldo employed the British placeman William Shirley, advocate general of the admiralty court, and Shirley won a not unsurprisingly favorable decision for the royal prerogative in the Privy Council (the case of *Frost v. Leighton*, 1736). Still, Governor Belcher, sympathetic to the private timberland owners and merchants, refused to enforce the onerous laws. In 1744, the new governor, William Shirley, who had intrigued to oust Belcher in league with naval contracting interests, capped his renewed drive for enforcement by putting through the Massachusetts legislature an extension of the reservation of large pine trees to all forests private and public. Furthermore, Colonel William Pepperrell, one of the great leaders in Maine timber, had changed from an opponent to supporter of the timber bill after having acquired close family connections with Samuel Waldo; he had received some of Waldo's naval subcontracts for timber.

The upshot of the restrictions was unfortunate for the Crown: its decrees could not prevent a large-scale destruction of the royal woods, while at the same time they permanently enraged the Northern woodsmen. Indeed, the result of arbitrarily reserving the trees to the Crown meant that private persons could not own a body of trees, and therefore that the individual colonists were forced to cut down the trees as quickly as possible. Since a colonist was forcibly prevented from owning the standing trees themselves but could only use the cut lumber, this meant that the trees were in a *de facto* state of no ownership and it was to no one's economic interests to keep any of them standing. On the contrary, it was to each man's interests to cut the trees and thus bring them into private use before his neighbor could beat him to it.

The consequences of the various parts of British policy can be seen in New Hampshire, a main center for mast trees for the navy. Royal licensing to allow cutting of the large white pine trees was reserved for those persons who also had mast contracts from the navy. In New Hampshire, this meant the powerful Wentworth family. The Wentworths had, in the first

place, a virtual monopoly of the naval mast contracts; they were *also* habitually the appointed surveyor generals—the rulers of the royal woods—and the governors of New Hampshire. Thus Benning Wentworth and his nephew John Wentworth each in his time combined all of these offices. By midcentury, the Wentworths were greatly helped in securing the contracts by powerful connections in England, including the Marquis of Rockingham.

Governor Benning Wentworth, royal New Hampshire's first governor independent of Massachusetts, did not, however, prove to be an efficient enforcer of the royal timber regulations. For twenty years after his appointment as surveyor of the King's Woods, Wentworth, secure in his naval contracts, happily bothered little with enforcement, and complaints of his laxity by his deputy surveyor came to the Board of Trade. Wentworth made two sporadic attempts at enforcement in these two decades. In 1753, Wentworth told his zealous deputy Daniel Blake to seize all cut white pine lumber in his native Connecticut, whether on public or private land, in the township or out. When Governor Roger Wolcott of Connecticut protested this high-handed act in vain, the people of Connecticut decided to resort to effective direct action. Blake was rudely thrown into a pond, which experience served to discourage any further enforcement efforts.

Wentworth's other enforcement attempt turned out just as badly. In 1758, Wentworth seized 1,500 white pine logs in New Hampshire and nearly 2,000 in Massachusetts. But the confiscated logs were in each instance repossessed or destroyed by the angry citizens. In Massachusetts, the logs were either retaken by the public or floated down to sea. In New Hampshire, the populace burned down a saw mill at which Wentworth was busily converting the captured pine logs into boards of lumber.

Nor were the substantial bounties able to create a flourishing naval-stores industry in the Northern colonies, as had been their design. We have already seen the fiasco of the Palatine experiment, when the Crown shipped hapless Palatine-German farmers to up-country New York in a vain attempt to produce naval stores. When the bounties lapsed in 1724, the naval-stores industry in the North collapsed. Whereupon the bounties were resumed on a reduced scale in 1729. Only the South, particularly South Carolina, was able to develop a thriving naval-stores industry, even under the impetus of a bounty.

The most important restrictive act of the first half of the eighteenth century was the Molasses Act of 1733. Since the mid-seventeenth century, trade with the West Indies had become vital to the Northern colonies. Lacking the great staples of the South with their ready English market (for example, tobacco, rice), the North could buy English manufactures only by selling grain and provisions to the West Indies in exchange for sugar and its molasses derivative. The North could not sell *its* products to England, to a

large extent because the English corn laws served to exclude Northern wheat, and imports of salted food were prohibited for the benefit of English producers.

Boston became the great center of "triangular trade" with the West Indies: New England merchants exchanged fish and lumber for sugar and molasses, and then traded the latter to England in exchange for English manufactures. After 1715, this triangular arrangement was further refined: the North (Newport, Boston, New York) began heavily participating in the slave trade. Northern ships would acquire Negro slaves in West Africa, transport the slaves to the West Indies where they were in heavy demand, and then exchange them for sugar and molasses. The molasses would be processed into rum in New England distilleries, and the rum carried to West Africa to pay for the slaves. By 1750, in fact, there were sixty-three distilleries in Massachusetts and thirty in Rhode Island. And by 1771, American slave ships reached a capacity of fully one-fourth of England's mighty slave fleet.

Before 1700, the Northern colonists had conducted their trade with the British West Indies, but after that date production on these islands became less efficient and more costly. Burdened by old exhausted soil and inefficient absentee plantations, the British West Indies planters found themselves outproduced and outcompeted at every turn by the other West Indian islands, especially the French islands of Guadeloupe, Martinique, and San Domingo. The French West Indies raised sugar at lower costs on newer and more fertile soil, and their management was far more efficient.

Thwarted in the voluntary competition of the marketplace, the British planters turned to the coercive arm of the state to try to shackle the burgeoning American-French West Indies trade. The British West Indian planters, led by the sugar planters of Barbados, organized a powerful lobby in London centered in the Jamaica Coffee House, and agitated for prohibition of the French West Indies trade. In this they were allied to the London association of sugar bakers. Finally, after several years of successful agitation in the House of Commons, the planters obtained passage in both houses of Parliament of the Molasses Act of 1733. The Molasses Act levied prohibitively high duties on any foreign sugar, molasses, or rum imported into the English colonies. The Northern colonies protested bitterly that the subsequent great increase in the price of sugar and molasses, and the lowered price of their own staples in the narrow markets of the English West Indies, would be their ruination. How indeed could the Northerners purchase English manufactures (as England and its manufacturers desired) if they could earn no purchasing power, if colonial manufacturing and the vital trade with the French West Indies were to be banned?

The Molasses Act would certainly have dealt a grave blow to the economy of the Northern colonies. But there was one great saving grace: no British regulation was more cheerfully evaded and less adequately enforced.

The Walpoles were willing to appease the powerful West Indies planters by passing the Molasses Act. But they were *not* willing to wreck the colonial economy by enforcing it—a typically charming Walpole compromise.

In 1739, the British Sugar Act threw another bone to the planters for their disappointment at the failure to enforce the Molasses Act: the planters were now allowed to ship their sugar directly to southern Europe, without going through English ports. In all sugar sales to Europe, the planters were freed from paying English duties. This concession was gained over the fierce protest of the planters' erstwhile ally, the United Company of Grocers and Sugar Bakers, which wanted to continue forcing the planters to sell their sugar to it. Three years later, the planters gained another wise concession: permission to carry sugar in non-British-built ships. This gain was made over the expected bitter complaints of the English shipbuilding industry.

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King George's War

The emergence of French colonial trade in the first quarter of the eighteenth century, spurred by liberal economic policies instituted by the French premier, Cardinal Fleury, provoked desires by its less-efficient competitors to crush the trade by force. This was true not only of French West Indian sugar but also of the New France fur trade, which by the late 1720s was outcompeting the English colonies in the supply of beaver. It was true also of French fishing in the North, which was more efficient than English fishing, even after France had lost Newfoundland and Nova Scotia to England at the Peace of Utrecht. A typical reaction was that of Governor William Shirley of Massachusetts, who repeatedly proposed to end the competition by seizing French Canada by force. But standing athwart all rising pressures for renewed aggression against France was the great Walpole, who brought to his long rule an overriding love of peace and opposition to foreign meddling and aggression.

Robert Walpole indeed brought to the Whig party a policy of consistent liberalism: of quiet minimal government, of low budgets and taxes, of little intervention at home coupled with peace, quiet, and minimal government meddling abroad. He thus not only kept Britain at peace for a generation, but also brought to the Whig party an internally consistent liberal program. From that time on, the Whig tradition remained one of liberalism and included such leaders of peace and neutrality as Walpole, the Pelhams, the Rockingham Whigs, and Charles James Fox. It was fortunate for Walpole that in the same way that he was able to resist opposition charges of dishonor, appeasement, and sellout to France, so his French ally and counterpart, Cardinal Fleury, was able to pursue a steadfast policy of peace despite opposition charges of appeasement and sellout to Great Britain.

England had attacked France in two costly wars: in King William's War and Queen Anne's War, which had ended with the Peace of Utrecht in 1713. Now Walpole resolved that the peace would remain unbroken. The French, despite their losses in Canada at the Peace of Utrecht, were able to construct a mighty defensive fort at Louisbourg on Cape Breton Island, to guard against further English aggression against Quebec. In a far greater feat, they explored and began to develop the Mississippi and the Ohio valleys. New Orleans was founded by the French in 1718, and the fur trade developed in the Ohio Valley and defensive forts built there. France not only had survived the English attempt to throw her out of the New World, but was able to expand its settlements and outcompete its rivals.

The professional patriots, the warmongers, and Francophobes were looking for any excuse for aggression, and they thought they had found their opportunity in the War of the Polish Succession, which broke out in Europe in the 1730s. Walpole, seeing no English interest involved, stood out alone for peace—even against King George II, John Carteret, and other opposition leaders in the House of Commons. Resisting the war pressure successfully, Walpole proudly told Queen Caroline in 1734: "Madame, there are fifty thousand men slain this year in Europe and not one Englishman."

The war party was unable to prevail in the War of the Polish Succession, though it did drag Britain into war with Spain amidst whipped-up hysteria over Captain Jenkins' ear. For the war party, such an opportunity to grab Spanish territory was even as welcome as a war with France. Effective in leading the war hawks in the Commons was the fiery and maniacal orator, William Pitt.

The War of Jenkins' Ear was a classic example of the use of patriotic myth to whip up popular hysteria fomented for other goals. In 1731, Captain Robert Jenkins returned from the Caribbean with a harrowing tale that Spanish officers in searching his ship had cut off his ear. This tale was taken up by the war crowd seven years later, even though Jenkins' ear was apparently intact, and used by the prowar press to foment aggression against Spain.

The actual mainspring of the aggressive war against Spain had nothing to do with national honor or Captain Jenkins. It stemmed instead from long-standing maneuvers by leading London merchants to acquire a monopoly of the West Indian slave trade. In 1663, Charles II had granted the Royal African Company the exclusive monopoly of carrying slaves from Africa to the English colonies, as well as the exclusive right to own land in Africa. After waging a successful war against a competing Dutch company to gain a monopoly of the slave trade, the Royal African Company after 1680 specialized in slave exports to New Spain. The Spanish government sold to private firms the coveted privilege of the *asiento*—the exclusive monopoly of supplying Spanish colonies with slaves. And the Royal African Company

was able to become a favorite subcontractor of the Spanish *assientists*. Its main trade was with the New Spanish ports: Cartagena on the mainland, Havana, and Porto Bello on the Isthmus of Panama. In 1698, the complaints of the English planters over a shortage of slaves led the British government to cancel Royal African's monopoly and to throw open the English slave trade to other groups.

The *assiento* was one of the main reasons for England's precipitation of the War of the Spanish Succession (known in America as Queen Anne's War) against France and Spain in 1701. For Philip V, the new king of Spain in 1700, was a grandson of the French king Louis XIV, and he promptly awarded the coveted *assiento* to the French Guinea Company—an act that led powerful English merchants interested in the slave trade to support an English war upon the two countries.

At the Peace of Utrecht the British financiers achieved what they wanted: for Spain was forced to grant Britain a thirty-year *assiento* for the slave trade to the Spanish colonies. The British government granted the *assiento* monopoly to the newly formed South Sea Company, which promptly used its privilege as a base for general trade with the Spanish West Indies—indeed as a base for a vast amount of illegal trade as well. The South Sea Company was an organization dominated by the leading West Indian merchants and planters. They were led by Alderman William Beckford, the wealthiest planter and an absentee landlord in London, and they supported the imperialist opposition to the pacific Walpole.

Now the Spanish government no more welcomed evasion of its mercantilist regulations than did any other government. It was the attempt of the Spanish colonial coast guard to stop and search British ships in Spanish territorial waters that precipitated England's going to war, despite England's previous recognition of Spain's exclusive right of trade with its own colony. The Jenkins' ear hoax was fostered by British merchants to gull the country into going to war in order to swell their profits in the illegal trade with the Spanish colonies. The interested merchants, allied to the jingoists, were led in Commons by William Pitt (the main political protégé of Beckford) and his "Boy Patriots." These war hawks could not this time be denied, even though Walpole was able to negotiate a compromise agreement with Spain in the Convention of El Pardo in 1739.

Walpole's lone resistance to the war drive was eloquent. Noting the Spanish treaty right of search in its own waters against illegal trade, he warned that the warmongers "insist that our ships ought never to be searched wherever they are to be found, and let them be ever so near to the Spanish coasts. Pray sir, what is the plain English of this but that the trade to the Spanish West Indies ought to be open to every interloper of ours. . . ." Yet the facts of the case, the Convention of El Pardo, and Walpole's stubborn eloquence could not this time prevail, and George II declared war against

Spain in October 1739. A new wave of deadly European wars had thus begun. Walpole, hearing the bells ring in celebration, prophetically warned: "They are ringing their bells; they will be wringing their hands soon."

As we have seen, Georgia quickly used the war as an excuse for an attack on St. Augustine. But the most fateful result was the widening of the conflict to France as well. Even though forced to go to war, Walpole tried to keep the fighting as limited as possible. In this effort, he was joined by the powerful British West Indian sugar planters. The planters only wanted to cripple Spanish trade; they emphatically did not want a conquest of French or Spanish colonial territory that would open up the latter's products to English colonial markets. Prospects for limiting the war, however, were ruined in 1740 by the outbreak of the entirely separate War of the Austrian Succession.

The pacific Walpole was finally ousted in 1742, and the king forced the Duke of Newcastle to bring into the cabinet the war hawk Lord Carteret, who rushed in to try to mount an all-out war against France, which erupted in 1744, and which became known in America as King George's War. The war dragged on in costly and inconclusive fashion until peace was made at the Treaty of Aix-la-Chapelle in 1748, restoring the state of affairs of the *status quo ante bellum*, including reconfirmation of the Spanish *assiento* to the South Sea Company.

The most important event of King George's War in the colonies, and the most fateful of future consequences, was the expedition that conquered the fortress of Louisbourg from the French. From his appointment to the governorship of Massachusetts in 1741, William Shirley had been zealous in preparation and expenditures for a war. On assuming his post, Shirley quickly and happily built up a patronage machine and the buildup was created out of increasing war and military expenditures. Provision contracts for favored merchants, recruiting fees, and naval expenditures lined the coffers of Shirley and his friends; and, as governments have eternally found before and since, the cry of "defense" proved to be a superb patriotic cloak for these nest-feathering operations. Previous conflicts were forgotten as contractors and subcontractors scrambled to win places on the war gravy train. As Professor Schutz, a most favorable biographer of Shirley, writes:

Defense activities raised a political tide in Shirley's favor. Speculators, contractors and merchants prospered, and their profits attached them to the new administration. The new defense policy won the support of many of Belcher's allies. . . . Lesser men, in turn, looked to the contractors; a chain of favors spread war business to a large number of people.*

*John A. Schutz, *William Shirley* (Chapel Hill: University of North Carolina Press, 1961), p. 84.

The powerful merchant Thomas Hancock, a former opponent of Shirley's, had been bought out by being tied into a firm receiving virtually half of the war contract business in Massachusetts. The old alliance with the merchant Samuel Waldo was further cemented by Governor Shirley himself being made a junior partner in Waldo's enterprises. After France and England went to war in Europe in earnest in 1744, Shirley determined to escalate the war to the colonies and to capture the great fortress of Louisbourg. In this plan Shirley was backed enthusiastically by the Duke of Bedford, the new first lord of the admiralty and a leading imperialist and expansionist. Driven by patriotism, the desire to crush efficient French fur and fishing competition, and the lure of greater war contracts, Shirley pressed his plan, but the General Court balked at the difficulty and the great expense. Soon, however, in early 1745, the legislature, steered by William Pepperrell, the great timber merchant, lent its approval. Pepperrell was promptly appointed commander-in-chief of the expedition, and the choice colonelcies and contracts were handed out to Shirley's key friends. Shirley's sons-in-law, Eliakim Hutchinson and William Bollan, were put in charge of recruiting and provisioning, Waldo was made a brigadier general and his son a commissary, and Pepperrell's son-in-law was appointed a contractor. A large issue of paper currency was voted to provide the necessary funds.

If Shirley and his friends had never had it so good, the same was scarcely true for the people of Massachusetts. Shirley hoped to raise three thousand men for the expedition, but when enough seamen did not volunteer, the kidnapping policy of impressment was used to fill the quotas. The impressments caused riots in several towns and protests at town meetings. Here indeed was a harbinger of ominous things to come for the Crown and its relations with the people of Massachusetts.

The expedition finally got under way at the end of March 1745. Impressments continued, as one thousand more men were sought, and bitterness increased among the public. All qualms were stilled, however, by the burst of popular enthusiasm for the capture of Louisbourg in mid-June. Dreaming of—and asking for—more favors and a baronetcy, as well his grandiose projects for the conquest of Canada, Shirley ladled out huge contracts to Hancock and his other friends for the maintenance and reconstruction of Louisbourg.

Victory, however, soon proved to have troubles of its own in store for the conquerors. Newcastle and the prime minister, his brother Henry Pelham, were instinctive liberals and had always been reluctant to pursue the war with France. They were now increasingly appalled at the high cost and length of the war; their major aim was to conclude peace as quickly and as gracefully as possible. Their main task was subtly to scuttle their own war effort, and in particular to stem the rise of patrioteering hysteria

in England over the unexpected capture of Louisbourg—the kind of hysteria that called for all-out conquest of Canada, and that led the first lord of the admiralty to swear that he would hang the man who dared to surrender Louisbourg. Pelham and Newcastle were now afraid more of the English war crowd than of the French. Another such “victory” as Louisbourg would be disaster indeed! Hence they began a subtle process of disengagement from the war and therefore from further conquest.

As a part of this process of pacification, William Shirley received slight reward for his victorious campaign, obtaining a colonelcy but not the coveted title of baronet. The post of colonel, however, with its correlative patronage was lucrative enough, and Shirley and Pepperrell spent a happy time in Louisbourg parceling out all the new patronage and war contracts—including captaincies to two of Shirley’s sons. Such friends, relatives, and fellow booty-sharers as Robert Hale, Bollan, Hutchinson, Robert Auchmuty, Benjamin Colman, Hancock, and Paul Dudley were cut in for their share. As always, Samuel Waldo profited handsomely: his son becoming captain and in charge of supply for his regiment, and his stepbrother and Pepperrell’s son-in-law Nathaniel Sparhawk placed in charge of selling French war loot in Boston.

But in the meanwhile, the loot of the lower-ranking heroes was not as abundant. At Louisbourg supplies were low, sickness high, and the troops restive. And through the stormy winter, Shirley found it difficult to supply the unfortunate garrison. Furthermore, the American volunteers found themselves after the victory under the command of British naval officers who had played a decidedly minor role in the triumph. The colonial soldiers had enlisted only for the length of a summer campaign, but now found, to their outrage, that British officers forced them to remain in Louisbourg for the entire miserable winter. The troops threatened to mutiny, and only the personal visit of Shirley in the fall, promising speedier payment and discharges in the spring, quieted the incipient rebellion.

By the sobering spring of 1746, the people of Massachusetts began to learn some of the costs of their famous victory. By the end of the winter fully nine hundred men, one-third of the victorious New England soldiery, had died at Louisbourg. This bitter pill was aggravated by the conduct of the returning British fleet. Many maltreated British seamen took the opportunity of being in Boston to jump ship, and the British officers aroused hostility by rounding up and killing two of their sailors, as well as press-ganging American seamen to replace the deserters. Assemblymen from Boston and other seaport towns reflected popular wrath against Eliakim Hutchinson, one of Shirley’s favorites who had been a leading contractor of supplies to Louisbourg, and was in charge of procuring seamen in the colony. In the 1747 election, the Massachusetts Assembly removed Hutchinson from the Council, and tried its best to have him dismissed from his judicial and military posts.

Shirley, however, remained undaunted and pressed on the plan for a massive attack on Quebec, the key to Canada. Pelham at first used a French offer of peace to veto such aggression, but Newcastle and Pelham were soon forced to agree, in order to appease the war-minded at home. However, resistance to the heavy taxes needed for the campaign grew rapidly in the Massachusetts legislature. Again, a heavily inflationary issue of paper money was put through. Voluntary enlistment dried up from the dread example of Louisbourg, but Shirley quickly drafted a frontier garrison, and other colonies supplied men: New York furnished 1,600 and Connecticut 1,000. The promised British troops never arrived, thus ending the prospective expedition, and unhappy soldiers and sailors began to desert en masse in the summer of 1746. When constables tried to arrest the deserters, they were assaulted by the local populace. And frontier posts, stripped by Shirley for the epic expedition, were overrun by the French and their Indian allies.

Shirley was still fanatically eager to press the attack in December, even without British aid, but was overruled by the good prudence of his associates and the other New England governors. Finally, Shirley's dream of a great 1747 expedition was destroyed by Newcastle's firm canceling of all British plans for the attack. Shirley would have pressed on regardless, but neither the other colonies nor Massachusetts would go along.

There was method in the madness of Shirley's persistent and almost frenzied zeal for more and bigger wars. His ties of friendship and political alliance were held together only by the tenuous band of continuing mutual profit. The end or even the slackening of war meant lower government spending, diminished war contracts, lower patronage, slackened inflation, and tighter credit. And almost immediately, Shirley's plundering friends—the Waldos, Hancocks and Kilbys—grew sullen and restive.

By November 17, 1747, the British fleet was ready to sail out of Boston for Jamaica; it still faced the problem of replacing its numerous deserters. A massive British press-gang swooped down upon the Boston docks, seized almost fifty laborers, and dragged them to the ships. An angry Boston crowd of several hundred quickly gathered and began looking for British officers. The sheriff and his deputies were severely beaten. The mob captured several British officers as hostages for the impressed Americans and then marched on Governor Shirley himself, who was harboring several other officers. The mob denounced Shirley for supporting the impressment. For a while, Shirley was able to cow the crowd into releasing a few officers but then the mob regained its courage and began to attack the governor's house. A deputy sheriff was beaten and put into the stocks. The mob shifted their attack to the Council room and Shirley was particularly disturbed to find that the local militia refused to obey orders to assemble and put down the riot. The mob's courage finally faltered, however, in attacking the Council and governor himself, but they did burn an oil barge and they

still held several British officers. Shirley finally found it best to flee to the safety of the island fortress of Castle William. The British naval commander Charles Knowles reacted as a true military man, threatening to shell Boston until his men were released, but the wiser Shirley finally prevailed upon him to agree to the mob's demands and release the impressed colonists. The rioting was over, and the rebellious citizens of Boston had won their vital point.

Governor Shirley, considerably shaken, termed the riots an "insurrection." The Assembly had given him no trouble, but he railed against various democratic town meetings and especially against the "mobbish factious spirit of Boston." Shirley complained that Boston was being run by the "lower orders"—poverty and a low status in life being common charges to hurl against one's political enemies.

The successful riot had brought home their power to the people of Boston, and brought to a head the mounting opposition to the Shirley regime. After the riot, the opposition became far more vocal than before. The *Boston Independent Advertiser* led a determined attack on Knowles and on Shirley's war policies, including the inflation. Dr. William Douglass, the great hard-money economic theorist, denounced Knowles as a tyrant and a "monster of wickedness." Shirley, smarting under the criticism of the *Independent Advertiser*, asked the General Court to censure the paper. The subservient Council agreed, but the Assembly rejected the proposal overwhelmingly.

Governor Shirley, longing for the good old days of all-out war, again projected a great intercolonial expedition for 1748, this time against the French fort of Crown Point at Lake Champlain. But Massachusetts had issued an enormous amount of paper money in the three years of war and the money was already depreciating rapidly. Tax monies were pledged far in advance for redemption of the paper. Shirley realized that the neighboring colonies would have to join the expedition, and he proposed quotas of aid from each colony. But the other governors—even in New York, which bordered on Crown Point—summoned no enthusiasm for the scheme. Furthermore, peace was nearing, at last, in Europe under the clever guidance of the Pelhams, and once more Shirley's grandiose vision of aggression and conquest had to be abandoned.

In the meanwhile, sensing the approaching end of their joint bonanza, the faithful Waldo began to loot with might and main, deducting perquisites from the soldiers' meager pay for deigning to supply them with arms and clothing. Waldo also pocketed the assets of dead soldiers and sold their muskets. At Shirley's request for an accounting, Waldo flatly and indignantly refused. Shirley, fearful of breaking with the machine of Waldo's friends and relatives that had been his political support, did nothing. But Waldo broke with Shirley for his slackening of enthusiasm for the former's speculations.

At the same time, another disappointed contractor, James Allen, made himself a leading spokesman in the lower house on the impressment issue. Feeling in Boston and the seaport towns was continuing high. To all of this a special bitterness was added in Massachusetts when England handed Louisbourg back to France in the Treaty of Aix-la-Chapelle. To the colonists this seemed the final betrayal of American blood and tears by the mother country.

The people of Boston and Massachusetts had still more important grievances against the government. The threat of impressment especially affected New England seamen because their terms at sea were far shorter than those of the English sailors, who were used to very long voyages. The threat of impressment induced a considerable emigration of sailors from Boston to Newport. Even more damaging were the extremely heavy losses suffered by the cream of Massachusetts' labor force in King George's War. Boston's and Massachusetts' manpower suffered very heavy losses during the war: at sea, in Louisbourg, on numerous expeditions in the West Indies. One estimate holds that twenty percent of Boston's manpower was killed in three years of King George's War! This monstrous decimation, coupled with high taxes levied for public relief to widows, emigration, and the after-effects of inflation, greatly depressed the economy of Boston—the only American city failing to expand in the years following until 1760.

During the wars of the 1740s, a halfhearted attempt was made by the Crown to enforce the trade regulations on the Americans, particularly prohibitions on trading with the enemy. After the war, Admiral Knowles complained to the newly energetic Board of Trade that Newcastle had ignored his complaints of colonial trading with the enemy, and that he had to proceed on his own to enforce the law. The military mind could not appreciate the mutual benefits of free exchange, even with a so-called enemy. But the colonial merchants *did* appreciate these benefits and happily continued the trade.

Boston, New York, and Philadelphia were important centers of this commerce, but the great emporium of trading with the enemy was Newport, where the deputy governor William Ellery allowed ships to clear the port without troublesome inspection. One method of evasion was through neutral Dutch middlemen in such West Indian territories as Surinam and St. Eustatius. Another was direct trade under cover of fake prisoner exchanges. Ships would be legally authorized, under official flags of truce, to exchange prisoners at the French West Indies. But apart from the few token prisoners, trade was happily carried on by these ships. Flags of truce were purchased from colonial governors and a market in these flags flourished in the colonies.

By 1748, then, the American colonies, prospering under the liberal Walpole-Newcastle policy of salutary neglect, stood as almost self-governing colonies, in fact though scarcely in name. In each colony, the lower house,

or Assembly, took the lead in this self-government with increasing effect. Although Robert Walpole had been ousted as prime minister in 1742, his policy of salutary neglect was substantially continued by Newcastle and his brother Henry Pelham, who succeeded as prime minister the following year. But, in the absence of the political might of Walpole, the shades of night were beginning to close on the relations between Britain and the American colonies. Newcastle, while still powerful in the government, was succeeded in the post of secretary of state for the South by the aggressive imperialist John Russell, the Duke of Bedford. But Bedford could do little harm in the colonies so long as the liberal Lord Monson continued as president of the Board of Trade. The death of Monson in 1748, coinciding with the end of the war in Europe, gave Bedford his chance to try to move toward an end of salutary neglect, and to end the flourishing smuggling in the American trade. Newcastle attempted to replace Monson by the latter's brother-in-law, the Duke of Leeds, who, in Newcastle's words, needed "some office which required little attendance and less application." Bedford, however, managed to overrule Newcastle, and to install at the Board of Trade his follower George Dunk, the Earl of Halifax.

Halifax now set about in a determined attempt to bring the American colonies to heel. For several years, the Board of Trade pressured the higher authorities with a series of reports deploring the lack of enforcement of the mercantilist regulations in the colonies, and calling for the replacement of salutary neglect by enforcement of the laws. Failing to convince Pelham and Newcastle to change their ways, Halifax tried a power play to have himself appointed to a new post that he proposed—a separate secretary of state for the colonies. He failed to achieve this goal, but did manage to obtain, as sop, slightly enlarged powers over the colonies for the Board of Trade in 1752. Promptly the board began a persistent campaign to require the colonial governors to obey its instructions, and to try to wrest from the Assemblies a permanent revenue for the royal governors and their administration.

The Board of Trade could do little on its own, however, particularly in the face of determined opposition by the colonial Assemblies. In 1756, the outbreak of a new war with France forced Halifax to suspend his imperial activities for the duration. At that point, imperial control over the colonies was scarcely greater than eight years before, when Halifax had begun his efforts. But this very failure set the stage for a new and far greater push for restoration of control over the colonies when the war was over, a push inspired by increasing fears by the nonliberal forces in Britain that colonial independence had nearly gotten out of hand.*

*On Halifax's efforts after 1748, see Jack P. Greene, "An Uneasy Connection," in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (Chapel Hill: University of North Carolina Press, 1973), pp. 68–74.

One example of the failure of Halifax to crack down on smuggling in the colonies was the case of the Philadelphia firm of William Allen and Company, which had become prominent in the smuggling trade from the French West Indies, and was thus able to undersell the "legitimate" importers. By a happy arrangement, the royal collector of customs, whose task it was to enforce the laws, was Abraham Taylor, who happened to be a member of the Allen firm. Taylor's pursuit of the policy of salutary neglect is hardly surprising.

Early Phases of the French and Indian War

The Treaty of Aix-la-Chapelle left unresolved the main force for war in European relations: the insensate desire of the English war party for imperial expansion and aggression. The powerful war party was headed by the Duke of Cumberland, the favorite son of King George II, a military leader who had well earned the title "butcher" in suppressing the Jacobite rebellion in Scotland in 1745; Cumberland's protégé Henry Fox; the Duke of Bedford, at the powerful post of secretary of state for the Southern Department; and, above all, William Pitt. The half-insane Pitt was the prototype of a modern politician: possessed of a charismatic personality, Pitt's oratory could sway the masses for ever more grandiose war programs. Yet there was method in his madness. Pitt was consistently the spokesman for the imperial clique of London merchants and financiers. Underneath the cloud of patrioteering verbiage that could mobilize the masses, a hard core of vested economic interests was being effectively pursued.

While King George's War was still under way, Pitt was vainly urging upon the cautious Newcastle an expansion of the war to conquer French Canada. In 1746, Pitt was agreeing with the leading New Hampshire fish merchant William Vaughan on the goal of conquest; in the same year he had his ally the Duke of Bedford submit a memorandum to Newcastle pressing for the seizure of Canada. Among the reasons mentioned was the smashing of French trade and sources of supply; but heading the list was the British seizure of the entire North American fur and fish trade—in which the French colonies were outcompeting the English.

The peace treaty ended these schemes temporarily, but the agitation of the war party continued unabated. The war party was able to strengthen

its command of the key cabinet posts: Bedford had moved up from the admiralty to the crucial post of secretary of state for the South; his protégé the Earl of Sandwich assumed his former post; while, as we have seen, his other protégé the Earl of Halifax came in as president of the Board of Trade. William Shirley was selected by Bedford to sabotage the boundary negotiations with France over Nova Scotia and other colonial areas, and thus to keep the war pot brewing. Pelham managed to oust Bedford and Sandwich from office in 1751, and to horrify the war party by slashing army and navy appropriations and pursuing a pacific policy. Halifax, however, at the Board of Trade not only aggrandized his power over colonial affairs, but also pressed his desire for aggression against New France. Finally, the death of the prime minister Henry Pelham in early 1754 eliminated the great leader of the peace forces. Although he succeeded his brother as prime minister, Newcastle, isolated and surrounded by the war party, was pushed into another and far more grandiose war against France.

Caught in a war drive that he opposed, Newcastle decided that the Cumberland-Fox clique, which wanted a limited war against France concentrated on the continent of Europe, was far less dangerous than the Pitt-Bedford warmongers for unlimited aggression against all the French colonies. Newcastle therefore threw in with the former group, and Henry Fox was brought into the cabinet as secretary of war and then as secretary of state.

All the previous intercolonial wars had begun in Europe and were then reflected in the colonies. But the French and Indian War between Britain and France began in the colonies, and only later was extended to Europe as the Seven Years' War. While the war in Europe lasted from 1756 to 1763, the war in America broke out—albeit unofficially—in late 1753 and was virtually over by 1760.

The French had heroically explored the Mississippi and Ohio valleys and had settled them as efficient fur traders with the Indians. With a population throughout their extensive territory of no more than seventy-five thousand, the French faced an aggressive and powerful set of English colonies containing a million and a half persons—and despite this overwhelmingly superior population, ever subject to hysteria over the supposed "menace" of New France. Moreover, behind the colonies was a British government directing the royal colonial governors, and increasingly in the hands of an extremely aggressive war party frankly dedicated to the total conquest of New France and the reduction of France and French trading competition to second-class status.

The final conflict between British America and New France was precipitated not so much by these general forces as by an Anglo-Virginian attempt at a huge land-grab. English settlements had now reached the Appalachian Mountains. Beyond stretched New French territory, tempting opportunity not only for ousting French fur traders but also for land speculation. Vir-

ginia, in particular, began to press its wild and grandiose land claims based on its original charter of 1609 and ignoring all the developments since. According to this questionable thesis, the Virginia government was the rightful sovereign of everything not only west, but northwest of the Appalachians to the Pacific—a claim which directly interfered, of course, with Pennsylvania's own notion of its proper territorial area.

The first attempted Virginia grab of French land in the Ohio Valley came in 1743, when Colonel James Patton and his partners asked Virginia for a grant of two hundred thousand acres on the New River. At that time, before King George's War had begun, the Virginia government refused the request on the wise ground that such an aggressive act might precipitate war with France. The advent of war ended Virginia's scruples, however, helped by an Indian conference at Lancaster in mid-1744, at which the Iroquois signed away the right to the Ohio lands. The fact that the Iroquois' only connection with this land was their highly dubious assertion of overlordship, made no difference. A flimsy legitimacy, provided by pliant Iroquois over land they had nothing to do with, was now cast over the British claims.

In 1745, the Virginia government gave the first of its munificent grants of French territory. On the same day it gave away three huge land grants. One was of one hundred thousand acres on the Greenbrier River, across the Alleghenies, to the Greenbrier Company. The company was headed by the leading Virginia oligarch John Robinson, president of the Virginia Council, and included John Robinson, Jr., Speaker of the House of Burgesses, and William Beverly. A second gift granted one hundred thousand acres to the old Patton group, this time on the Ohio and New rivers. A third grant of fifty thousand acres on the Greenbrier River was made to Henry Downes and associates.

All this was ominous enough to the French, but at least these moves were made in the heat of conflict. The truly ominous and critical land-grab attempt was launched immediately after the war, with the grant of a vast amount of Ohio land to the newly formed Ohio Company.

The Ohio Company had its roots in the monstrous-sized land grant of over five million acres given to Lord Culpeper in the Northern Neck and later inherited by Lord Fairfax. An early manager of the Fairfax fief was Robert ("King") Carter, who was able to use his position to amass a very large amount of land and to gain a dominant position in the Virginia planter oligarchy. Early in the eighteenth century, Fairfax replaced Carter by young Thomas Lee, who in turn used his position to amass a landed fortune. He was also aided in this task by marrying a Ludwell heiress and thus adding the prominent Ludwell estates. Losing his post in 1747, Lee, a member of the Virginia Council, decided to organize the Ohio Company as a speculative group for land settlement, and proceeded to

pressure the government for the subsidy of a huge land grant at the forks of the Ohio River. To form the Ohio Company, Lee gathered around him a significant group. Many of them were residents and neighbors of the Fairfax fief, including George Fairfax and the Washington family, especially Lawrence and Augustine Washington. Marylanders among the organizers included the frontier trader Thomas Cresap. Lee and eleven others formed the Ohio Company in 1747, and quickly petitioned the governor and Council for a grant of two hundred thousand acres of land near the forks of the Ohio River. But Governor Gooch was not enthusiastic about the aggressiveness of the land grants, and the powerful Speaker John Robinson, himself a rival land speculator and a determined opponent of the company, was able to secure rejection of the Ohio Company request.

Undaunted, Lee and the others went over the Virginia governor's head to appeal the decision to the Crown. To petition and put pressure on London, Lee secured the services of a prominent Quaker merchant, John Hanbury. In the spring of 1749, not long after Lee had assumed the post of president of the Council, the Crown directed Virginia to grant the two hundred thousand acres. In the summer, the governor and Council made the grant, conditioned on a hundred families' settling there within seven years and on the company's building a fort near the forks. As soon as the conditions were met, the company would take up an adjoining three hundred thousand acres on the same terms. Quitrent payments to the Crown were waived for ten years, and after that would only have to be made for land actually under cultivation.

The conditions of the Ohio Company grant had two fateful consequences: one, the fact of official British sanction alerted the French to the likelihood of dangerous encroachment on their territory; and two, a direct aggressive challenge was thereby laid down to the French. It was, clearly, high time for the French to act.

By the time the grant to the Ohio Company was made, Lee had converted the company all the more into a personal fief. George Fairfax and others had dropped out, while friends and relatives such as Richard Lee, Philip Ludwell Lee, and George Mason were added, as was the powerful Duke of Bedford in reward for his services in securing the grant. The outgoing Governor Gooch, for his part, tried to offset the exclusive privilege of the grant by handing out huge chunks of Ohio territory on the same day to several other groups of land speculators. John Tayloe secured a renewal of the one-hundred-thousand-acre Patton grant; Bernard Moore and others received one hundred thousand acres on the New River; Peyton Randolph and others four hundred thousand acres on the New; William Winston, Jr., fifty thousand acres east of the Ohio River; and the Loyal Company received the staggering total of eight hundred thousand acres along the southern Virginia frontier.

All in all, nearly one million, five hundred thousand acres were blithely granted away by Virginia in one day in 1749. The Loyal Company and the other grantees were not required to colonize or to build forts. The Loyal Company was a coalition of speculators headed by John Lewis of the Shenandoah Valley clique, Edmund Pendleton, a protégé of the Robinsons, and an Albemarle group, including Peter Jefferson and Dr. Thomas Walker. The Loyal Company collaborated closely with the Greenbrier Company of John Robinson's. In the meanwhile, Thomas Lee became acting governor of Virginia in 1749-50, succeeding Gooch. After Lee's death in late 1750, the newly appointed governor of Virginia, Robert Dinwiddie, had become, not accidentally, a member of the Ohio Company. Dinwiddie, incidentally, had gotten his start in the British bureaucracy as a virulent hatchetman for Lord Carteret, engaged in prosecuting and ousting firm adherents of Walpole from the royal bureaucracy. Dinwiddie was now a protégé of the formidable Duke of Bedford. Soon the company was expanded to include the Mercers, Robert Carter, George Washington, and Governor Arthur Dobbs of North Carolina.

From the time of the grants in 1749, much of Virginia politics may be explained by the emergence of two powerful factions of speculators in Ohio land: the Ohio Company clique of the Lees, Washingtons, Carters, Mercers, and Masons; and the Loyal-Greenbrier Company coalition of the Robinsons, Pendletons, Jeffersons, et al. As we have indicated, the Ohio Company, with its British success, its grip on the governorship, and its duty to build a fort on the forks of the Ohio, was the more alarming speculative group—to the fur traders and politicians of Pennsylvania, to the Indians of the Ohio Valley, and, not least of all, to the French.

The French, for their part, reacted to the threat of Anglo-Virginian aggression in the Ohio Valley with efficiency and dispatch. The French effectively warned the native Indians that the Ohio Company meant to clear and settle, and therefore to oust the Indians rather than to trade with them. The French launched a campaign to oust the English traders from the Ohio Valley, where they had been permitted to operate freely. A string of forts was built by the French throughout the region during 1753; Marquis Duquesne, governor general of New France, used over a thousand men to build a series of defensive forts in the Ohio Valley, including Forts Presque Isle on Lake Erie and Le Boeuf and Venango on French Creek.

Governor Dinwiddie, in his turn, reacted to French defensive measures by desperate appeals to fellow governors and especially to the Crown to take appropriate offensive action to outweigh the French moves. Finally, in August 1753, the Crown, under pressure also of the war party at home, took the fateful decision that was to lead to all-out conflict with France. The English government threw down the gauntlet of aggression. It instructed all the American governors to repel a French "invasion" of what was arro-

gantly proclaimed the "King's domain" in the Ohio Valley, specifically referring to any interference with the construction of forts. Governor Dinwiddie was flatly ordered to consider any French forts as *ipso facto* acts of aggression upon supposed Virginia territory, and the Ohio Company's plan to build a fort on the Ohio was officially encouraged. Dinwiddie was authorized if necessary to drive French forces from "his" territory by force of arms.

The die was cast. Dinwiddie now had official sanction for the aims of his Ohio Company. Dinwiddie's first step was to send young Major George Washington, a partner in the Ohio Company, to Fort Le Boeuf with an ultimatum to the French troops to quit the Ohio Valley. When Washington returned with what should have been the expected refusal, Dinwiddie prepared eagerly for war. William Trent, agent of the Ohio Company, was made a captain by Dinwiddie and sent with a troop of armed men to build a fort at the forks of the Ohio and to repel the French; Washington, promoted to lieutenant colonel, was ordered to raise a hundred men and to join him. The governor also sent messages to all the other colonies urging them to join the fight, and to the Indian tribes, inviting them to make war upon the French. Dinwiddie tried to call up the militia, but the sturdy citizens of Virginia proved highly resistant to the draft. They generally refused to leave their families and homes for remote imperial aims. The Council noted that the draft was to be used only for fighting *within* Virginia, and that the Ohio Valley was only dubiously within the Old Dominion. Calling a special session in February 1754, Dinwiddie managed to convince the House of Burgesses to appropriate ten thousand pounds for the invasion, but he was forced to accept a committee of burgesses to supervise the expenditure of the money. Dinwiddie, however, had to abandon calling up the drafted militia, and desperately tried to encourage enlistments by proclaiming the reservation of two hundred thousand acres of Ohio land for free gifts (free of quitrent) for fifteen years to volunteers for the war.

The Virginians, incidentally, not only refused to be conscripted for the war; they also strongly resisted conscription of their goods and supplies by the military, as Colonel Washington soon found to his dismay.

If the Virginians themselves balked at squandering lives and properties for the invasive war for the Ohio, the citizens of the other colonies proved even more recalcitrant, despite the urging of their royal governors. The New York Assembly tardily questioned the assumption that the Ohio Valley was British territory, and the Quaker-run Assembly of Pennsylvania did much the same. Both refused to call up their militia. The Maryland Assembly also saw no invasion of British colonial territory in the French occupation of the Ohio. The New Jersey Assembly refused aid as well. Isaac Norris, the Pennsylvania Quaker leader, summed up much of colonial opinion when he noted, "The Ohio Company are endeavoring to engage all the colonies under the sanction of the King's command to defend their lands upon that

river." Only North Carolina voted substantial funds, and planned to enlist a military troop.

The grandiose plans of Dinwiddie and the Ohio Company were rudely shattered when, on April 17, 1754, Trent's little band, at work on constructing the fort at the forks of the Ohio, surrendered to a formidable French force of one thousand men under Claude-Pierre Pécaudy de Contrecoeur. The French commander magnanimously allowed Trent's men to return to Virginia with all their possessions, and then rapidly proceeded to build the formidable Fort Duquesne at the same site. Colonel Washington marched rashly into the valley and, after wandering around in some confusion, was, on July 3, quickly smashed at his Fort Necessity by a French force more than double his own. Once again, the French allowed Washington and his troops to leave the valley and return to Virginia. The English aggressors had been totally routed and English troops ousted from the entire Ohio Valley.

The British government had sent several companies of regulars to aid in the war. One company from South Carolina had been in the fray with Washington, but had deeply angered the Virginians by refusing to obey their orders or to cooperate in the necessary labors of the expedition, thereby causing friction between Virginia and the British.

The other aid arrived later and only added to the burdens of Virginia. Two companies of regulars from New York arrived without supplies. A regiment of colonials came from North Carolina, only to find that no one had money to pay them or had the necessary supplies. The harassed North Carolinians mutinied, and mass desertions followed during July and August, finally forcing Virginia to disband the regiment officially. Governor James Glen of South Carolina trenchantly criticized Virginia's meddling in the Ohio Valley as well as British claims to the territory. Virginia troop morale was understandably very low and desertions continued unremittingly. Only Maryland sent a company of men.

One might rationally suppose that Governor Dinwiddie would be properly chastened by these defeats and forget about the whole Ohio adventure. But not Dinwiddie. Like all hard-liners everywhere, he was resolved to fight to the last life and bit of property of everyone else. In a frenzy, Dinwiddie sought at every hand to push war to the uttermost. The British government he urged to send more troops and supplies, and boldly recommended a parliamentary poll tax upon the entire American continent to finance the campaign. This would have involved the dangerous and highly provocative scrapping of the crucial principle that no colony could be taxed without the consent of its elected Assembly.

At home, Dinwiddie actually ordered Colonel Washington to reinvade Ohio less than a month after his rout, but fortunately a delay in raising funds by the House of Burgesses led him to cancel this scheme. In the fall

the lower house agreed to appropriate twenty thousand pounds for the war, and to levy an onerous poll tax to raise the money. The House refused to draft militia for fighting outside Virginia, but did agree to conscript all "vagrants" and to force them to fight for Virginian glory. Dinwiddie had still not given up the idea of a winter campaign to recapture Fort Duquesne, but the lack of interest by the other colonies finally forced him to abandon the plan.

Meanwhile, in late 1753, the New York government decided to call a joint conference of the Northern colonies, with the Iroquois and other Indian tribes, for the following June at Albany. As one of many conferences with the Iroquois and their followers, the idea was to try to mobilize the Indians for a general assault on French possessions in the Ohio Valley. It was the ineffable imperialist and warmonger Governor Shirley of Massachusetts who seized the occasion to try to unite the colonies into a league or confederation. Only when united under one central government could the full resources of the American colonies be mobilized by the Crown for an all-out assault on New France. The old imperialist dream of the Dominion of New England was now to be revived and extended to all the British colonies.

The delegates to the Albany Congress were in the main appointed by the governors, and largely taken from the councillors of their respective colonies. The Indian conference was supposed to be the only problem on the agenda, but under cover of these proceedings the delegates were persuaded by Benjamin Franklin, a delegate from Pennsylvania, to seize the occasion to propose a central government to rule over all the colonies and thus prosecute a far broader and more intensified war against the French. Franklin did this even though unauthorized to do so by Pennsylvania. This Plan of Union—largely Franklin's—as approved by the delegates in July, urged the British Parliament to impose over all the colonies a central supergovernment, whose executive would be appointed by the Crown and whose legislature would consist of a grand council chosen by the respective colonial Assemblies. Executive salaries were to be provided by the Crown, thus bypassing the salary troubles that the royal governors had all had with the colonial Assemblies, and thus freeing the executive power from the checks and limits imposed on it by the representatives of the American public. Of particular significance was the taxing power, to be given to the president and the Council, and to be appropriated for the functions of the general government.

The Albany Plan, however, was a total dud. The independent and liberty-loving colonists had had enough trouble with royal prerogative embodied in the executive and judicial powers of the individual colonies. They had no desire for another supergovernment to add still another and greater engine of oppression. Rhode Island and Connecticut, now happily free of all royal officials, were especially vehement in opposition. The Connecticut delegates refused to sign the plan and the Connecticut Assembly attacked it

bitterly, denouncing it as "against the rights and privileges of Englishmen. . . ." The Rhode Island legislature could not forgive its delegate Stephen Hopkins for signing the proposal. A large majority of the Boston town meeting voted against the plan, Dr. William Clarke perceptively denouncing it to Franklin himself as a "scheme for destroying the liberties and privileges of every British subject upon the continent." In general, the respective colonies took no notice of the plan. Even Governor Shirley opposed it bitterly, not of course because the central government would be too powerful but because for Shirley it would be far too weak. In particular, the provision for an elected legislature was to Shirley viciously democratic and destructive of the royal prerogative. Shirley urged that Parliament tax the colonies and that the central legislature be all appointed by the Crown. Governor Morris of Pennsylvania also scented a dangerous republicanism in the plan, as well as the destruction of Crown authority. He also insisted that a union of colonies must permit absolute dictation over the army by the supergovernment. Discussion in England of the plan, and of the whole problem of imperial relations with the colonies, was cast aside by the immediate crisis of the rout of Washington at Fort Mifflin.

Franklin's desperate gamble on the Albany Plan stemmed from his fear that Virginia, with its vague and grandiose charter claims, would be able to conquer and keep control of the Ohio Valley land. Pennsylvania's Quaker Assembly would prevent that colony from contesting the spoils, but a central supergovernment over the colonies would suffer from no such limits or scruples. Hence Franklin's provision in the Albany Plan that the supergovernment have the power to abrogate existing colonial claims to the western lands, and to create there new governments and land grants. After it was obvious that the Albany Plan would fail, Franklin unsuccessfully tried again: this time to forestall Virginia by creating two new colonies in the upper Ohio Valley. In this plan, Franklin was joined by two of his associates at the Albany congress—Sir William Johnson and Thomas Pownall, secretary to the governor of New York and brother of the influential John Pownall, secretary of the Board of Trade.

With Henry Fox now war secretary and Henry Pelham dead, the English war party had been considerably strengthened, and Cumberland, Fox, Halifax, and Pitt managed partly to push and partly to circumvent Newcastle, and to induce Britain to agree to send two regiments of regulars to America under General Edward Braddock as commander-in-chief of the English forces on the continent. Britain was now committed even more heavily to aggressive war against New France. Braddock's instructions were to capture the critical French forts south of the St. Lawrence, and Henry Fox trumpeted these aims in the press in order to provoke the French into a general war. In that way, Fox and Cumberland expected to use a conquest of the Ohio Valley, and limited aggression against Canada, as the back door to war against France on the continent of Europe.

But France, instead, proposed an armistice, which war-intoxicated England indignantly refused. In English plans everything was neatly blocked out: General Braddock would launch the main effort from Virginia and recapture Fort Duquesne. At the same time, Governor Shirley and Sir William Johnson would capture the key French forts of Niagara and St. Frederic (Crown Point) at the southern tip of Lake Champlain. Also at the same time, Admiral Boscawen was to patrol the Atlantic coast and intercept any French reinforcements for America. At a conference on April 14, 1755, Braddock and the leading royal governors hammered out their joint plan of campaign.

The tidy plans blew up very quickly. First, the French fleet, bearing reinforcements, was able to slip by the British ambush. But the biggest blow was the fate of Braddock's expedition. Armed with twenty-five hundred men, mainly British and the rest largely Virginians, Braddock set out in early June for Fort Duquesne.

From the beginning, the Braddock expedition seemed ill-omened. As usual, such colonial Assemblies as Pennsylvania and Maryland balked at voting for any substantial aid funds. Indeed, Dinwiddie, incensed at the colonists' indifference and their persistence in mutually satisfactory trading with the enemy, called on Britain to tax the colonies and to ban all exports from America. The first error of the expedition itself was the decision to march from Virginia, a far more difficult and rugged path to Duquesne than from Pennsylvania. But Virginia was favored not only as a reliable royal colony not plagued by Quakers or a proprietary, but also as a means of furthering the interests of the Ohio Company. Next, the lack of enthusiasm for the war by the American public was revealed in their indifference to supplying the troops. Braddock was moved to denounce the frontier populace of Virginia and Maryland in no uncertain terms. Only Benjamin Franklin, eager to serve the aggressive British war effort, was able to gull and wheedle the German farmers into providing supplies to the Braddock forces.

Arriving near Fort Duquesne on July 9, the mighty Braddock army was set upon by a French and Indian force of little more than eight hundred and was promptly cut to ribbons. General Braddock was killed in the fray and the demoralized British, under the command of Colonel Thomas Dunbar, fled back as fast as they could across the Alleghenies, destroying large amounts of provisions in order to speed their way. Dunbar did not stop until he had taken the army all the way to the snug safety of Philadelphia. Governor Dinwiddie, still indomitably eager for others to fight to the last man, again urged another early attack on Fort Duquesne, but Dunbar had had enough. Once again the British drive for conquest had been thoroughly crushed by the French.

Dinwiddie's war frenzy, however, was again redoubled. Bitterly denouncing Dunbar's retreat to safety, Dinwiddie was tireless in his efforts to continue and escalate the conflict. He had just succeeded in pressuring and

cajoling the Virginia Assembly into appropriating ten thousand pounds for the war. Now he reconvened the Assembly, which proved eager to pour good money after bad and granted another forty thousand pounds to be raised by an annual poll tax of one shilling. He also called up the Virginia militia, which he placed at the frontier under Colonel Washington's command. But the liberty-loving people of Virginia showed no disposition whatever to give up their lives for the sacred cause of grabbing the Ohio land from the French. Nonviolent resistance greatly slowed the rate of conscription as well as the fighting élan of the troops. Washington complained long and loud of the laziness and indifference of the militia officers, especially of the recruiting officers themselves, who preferred carousal to enforcing conscription. Of particular significance is Washington's report on the libertarian spirit of the militia and their dyed-in-the-wool resistance to the draft. "If we talk of obliging men to serve their country," Washington lamented, "we are sure to hear a fellow mumble over the words *liberty* and *property* a thousand times." *Liberty* and *property* were indeed increasingly becoming the watchwords of the era, and the colonial application was being made not only to the distant French but especially to "their" governments at home.

In Pennsylvania, as we have seen, the Assembly was stampeded after Braddock's defeat into passing a militia law. However, Quakers were exempted from the draft, and the militia was formed as a people's army with the officers democratically elected by the men of each company. In this democratic arrangement, the regimental officers were in turn chosen by the elected officers of the company. And finally, in a creatively libertarian provision, no officer or private in the Pennsylvania militia was to be subject to any articles of war unless he personally declared his consent to them in the presence of a judge.

Virginia continued to confront the reluctance of the people to have their bodies or their goods confiscated for purposes of war. Colonel Washington grumbled that Virginians "should be so tenacious of liberty," and threatened to resign his command if a tougher militia law were not passed. Furthermore, the people persisted inordinately in harboring and aiding deserters from the militia and in refusing to contribute supplies to the army. As Washington complained, "in all things I meet with the greatest opposition. No orders are obeyed but what a party of soldiers or my own drawn sword enforces. Without this, a single horse for the most urgent occasion cannot be had. To such a pitch has the insolence of the people arrived. . . ."

In the fall of 1755, a tighter militia act was passed in Virginia, punishing those who aided deserters and rewarding informers who had helped round them up. Still, collection of the militia proceeded very slowly.

The death of Braddock left the veteran warmonger and imperialist William Shirley in charge of the English forces in America. Governor Shirley was as impossible to discourage as Dinwiddie, the only difference being

Shirley's greater interest in the northern frontier with Canada than in the Ohio Valley. Shirley managed to whip New England and New York into providing thirty-six hundred men for the march on Fort St. Frederic. But the William Johnson expedition in the fall of 1755 bogged down because of a lack of supplies and because of the increasing restiveness of the soldiers, who were able to keep the usual tyranny of an army at a minimum by electing their own officers. The expedition finally had to be abandoned.

Shirley, in the meanwhile, was able to mobilize about fifteen hundred men for his own campaign to seize Fort Niagara, but this too had to be abandoned. Indeed, the only British victory during 1755 was the capture of Fort Beaujourn in New Brunswick (then part of Nova Scotia). And this victory led to problems with the American colonials. During King George's War, Britain had forced Massachusetts soldiers to remain in Louisbourg beyond their terms of enlistment. To forestall a repetition of this disaster, Massachusetts forced the British to issue certificates to the soldiers guaranteeing discharge at the end of their enlistment. The British were hardly content to leave matters like that, however; during the Nova Scotia campaign they subjected the Americans to special harassment to induce them to enlist in British regiments. This treatment infuriated both the American troops, who began to desert en masse, and the Massachusetts house, which demanded that the men be sent home.

The Persecution of the Acadians

Thus the British, during 1755, went down on many fronts to ignominy and crushing defeat. However, the British took advantage of their lone victory in Nova Scotia to exert their power over the hapless French citizens of British Acadia. Frustrated by their lack of victory over French *arms*, they presumably decided to levy barbaric vengeance on helpless and peaceful French citizens in their midst.

Acadia had first been settled by Frenchmen in 1605, but was sacked and destroyed by Virginia's Captain Argall in 1613. French settlement regained Acadia during the seventeenth century, but it was seized from France along with Newfoundland at the Peace of Utrecht, ending Queen Anne's War in 1713. A treaty provided that the French population of Acadia would have liberty for at least a year to emigrate from Nova Scotia with their property, presumably to nearby Cape Breton Island, which remained in the hands of France. The treaty also provided that Acadians choosing to remain would, upon taking an oath of allegiance to Britain, enjoy complete religious liberty.

Many Acadians applied for permission to leave as promised by the treaty, but the British authorities peremptorily refused. Colonel Samuel Vetch, governor of Nova Scotia, had financial interests in the island and urged the Board of Trade not to permit its labor force to leave. The Acadians were prohibited from using British-owned vessels to leave. When the desperate Acadians began to build their own small boats to sail to Cape Breton, the new governor Francis Nicholson brutally confiscated the boats and prevented them from departing. By that time, the supposed year of grace for the Acadians was over, and they were from then on prohibited from

leaving the island. Since the year was up, the British presumed to prohibit Acadian emigration with complete self-righteousness. After this British display of bad faith capped by hypocrisy, the Acadians naturally though courageously refused to take an oath of allegiance to the new King George I. In 1720, the new governor of Nova Scotia, Richard Philips, ordered the Acadians to take the oath in four months or leave the island, *but* taking with them no more than two sheep per family. When the despairing Acadians, deprived of all boats, tried to leave by cutting a road to nearby Cape Breton by land, Philips forced them to stop. He too did not want to lose the benefits of Acadian labor, that is, forced labor, since the Acadians were forced to stay on this alien-run island.

During the same year, Philips sent Lieutenant Governor Paul Mascarene to London. Mascarene converted the Board of Trade to a diabolic plan: *eventually* the Acadians should all be coercively expelled from the island, where they were too much under the influence of wicked French priests. But this should not be done *until* the French could work to build up and complete English fortifications on the island.

The Acadians, meanwhile, were neither allowed to leave the country nor permitted to settle down as full citizens. Instead, they were forced to supply the needs of the British troops and to strengthen the fortifications of their British masters. Despite these provocations, the Acadians remained peaceful.

In 1726, Lieutenant Governor Laurence Armstrong, a tough hard-liner, forced a public oath of allegiance on the Acadians of Annapolis (Port Royal), capital of Nova Scotia. The following year, however, the issue arose again with the ascension to the throne of George II. Armstrong sent naval troops to enforce a loyalty oath on the Acadians, but the persecuted Frenchmen continued to refuse. At least they would not lend their public sanction to their own tormentors.

The day was saved for the heroic Acadians by Ensign Robert Wroth, who, on his own initiative, promised the Acadians freedom of religion, exemption from the draft, and freedom to leave the island. In return for these rights, the Acadians took the oath of allegiance. Governor Armstrong, of course, angrily refused to ratify these "unwarrantable concessions" (which had already been promised them at the Peace of Utrecht). Having gained the public oath, however, Armstrong vaguely and grudgingly promised the Acadians the "liberties of English subjects."

The Acadians of Annapolis had not yet taken the oath. When ordered to do so by the governing Council, the leading men in Annapolis resolved instead to follow the other Acadians in taking the oath only under the Wroth conditions. The Council called this action "insolent and defiant," and arrested the four leading Acadian deputies for contempt and disrespect to the king. Lieutenant Governor Armstrong then announced that the

four prisoners had been "guilty of several enormous crimes in assembling the inhabitants in a riotous manner contrary to the orders of the government . . . and in framing a rebellious paper." Three of the prisoners were promptly clamped into prison. In consideration for his advanced age, Armstrong graciously allowed the fourth, Abraham Bourg, to leave Acadia, of course without any of his property. The rest of the people of Annapolis were punished by being prohibited from fishing on any British coasts. To cap his crimes, Armstrong pillaged the Church of Abbé Bresley and forced the priest to flee. For a blissful interlude, Governor Philips returned to the peninsula, permitted Bresley to return home, and promised the Acadians religious freedom. In response, the grateful Acadians of Annapolis and the rest of Nova Scotia took the oath of allegiance.

Soon, however, Armstrong was in charge again. He promptly violated the British promises. He began by expelling two French missionaries and then insisted on requiring his approval of all priests in the province, and on barring all priests immigrating from Quebec in French Canada.

During King George's War, the Acadians, despite three decades of betrayal and oppression, remained strictly neutral in the war between England and their homeland. When the English captured the French fortress in Louisbourg in 1746, they promptly deported all the French citizens to France. The worried Acadians were reassured by Governor William Shirley; but Shirley omitted any pledge of religious freedom and indicted several Canadians for high treason against Great Britain.

After the war ended in 1748, Great Britain embarked on a new phase of its program for Nova Scotia: It decided to settle Englishmen on the peninsula, as yet inhabited only by French settlers and British soldiers. In that way military benefits would accrue for the expected future war with France, and a population and labor force would be available to replace the Acadians, who by that time might be expelled. Several thousand English colonists were settled in this way.

The new governor, Edward Cornwallis, on instructions from the Crown, embarked on a new policy of repression of the Acadians. He was instructed to force another oath of allegiance and to permit Acadians to leave but *never* with any of their property. They could not, for example, sell their lands and leave with any of the proceeds. Cornwallis also prohibited the Acadians from trading with the French or from accepting religious jurisdiction from Quebec. Further, he embarked on determined efforts to force Protestantism upon the devoutly Roman Catholic populace. Acadian exemption from the draft was removed, no priest was permitted in the province without a license from the governor, and another loyalty oath was insisted upon on pain of confiscation of Acadian land.

One thousand Acadians reacted by protesting their faithful service as subjects of the Crown, and proposed instead to renew their oath on the

old conditions granted them by Governor Philips. Cornwallis in turn bitterly denounced Philips for "not doing his duty." Unable to win renewal of the Philips conditions, the Acadians in the spring of 1750 decided to leave Nova Scotia. The Board of Trade, however, decided that the time was not yet ripe as the French might entice them to Cape Breton and use them in the next war. Cornwallis, therefore, patrolled Nova Scotia to keep the Acadians as prisoners on the peninsula. Many of the desperate Acadians, however, managed to slip through the patrols, aided by the French and the missionaries. Eight hundred Acadians managed to reach French Prince Edward Island during 1750. Cornwallis hastily built more forts to prevent more Acadians from leaving.

A peaceful and happy lull ensued, however, during 1752-53. Under the governorship of Peregrine Hopson, the Acadians enjoyed religious liberty and were permitted to take the oath under the old conditions.

The peace was not to last long. The active imperialist and hard-liner Charles Lawrence soon became acting governor. Lawrence regarded the Acadians as part and parcel of the French enemy and treated them accordingly. In August 1754, Lawrence denounced the "obstinacy," "treachery," and "ingratitude" of the "incendiary French priests." The evil Acadians, he thundered, persisted in trading with the French and with the Indians; what is more—here was an ominous warning indeed—"they possess the best and largest tracts of land in this province." Not surprisingly, since the French had settled these lands. Underneath the mock surprise were the words of a man getting ready to loot the hard-earned property of others. Lawrence warned the Acadians of expulsion should they not take an unconditional oath.

Lawrence then proceeded to prohibit all export of corn from the province. The order served to prohibit the sale of corn to the French and Indians, and thus to force a sale at a far lower price to the British town of Halifax in Nova Scotia. The next step in the English exploitation of the labor of the French Acadians was the order by Lawrence to bring in wood to the British fort. The Acadians protested that their oath of allegiance did not require them to supply wood to the fort. The British reply to this eminently reasonable claim was to denounce the evil influence of Abbé Daudin over the minds of the Acadians and to hold the abbé and five of the Acadians in Halifax. The abbé protested that the people are free and should be contracted with for firewood and not be treated as slaves. The Council of Nova Scotia's reply was to reprimand the protesters and to order the Acadians to bring in wood under pain of death. Abbé Daudin, in the meanwhile, was expelled from the province, and the hapless Acadians agreed to comply with the forced-labor decree.

Of all the British campaigns during 1755, the only successful attack was, we have seen, the capture of Fort Beauséjour and the consequent reduc-

tion of the New Brunswick area. Naively, the Acadians took at face value the English claim that their hostility stemmed from worry over the Acadians as potentially subversive allies of the French. With the French "threat" greatly reduced, the poor Acadians actually believed that the English would ease their oppression. Accordingly, they requested Lawrence that they once again be allowed use of their canoes for fishing and that they again be allowed to bear arms for hunting and general self-defense. Lawrence denounced the petition as impertinent and insolent, and ordered once again an unconditional loyalty oath for all Acadians. In fact, he ordered the deputies who had presented the petition to take the full oath on the spot; they, of course, insisted on the old conditions. Not only did Lawrence and his Council insist on the immediate oath, but they also informed the deputies that *once* anyone refused to take the oath, he would not be allowed another chance and would be summarily expelled from Nova Scotia! When the frightened deputies then offered to take the oath, they were informed that this act would now be coerced and therefore not sincere; hence they could not have even this chance! Incredibly, the deputies were then promptly arrested and branded "popish recusants" and subjects of France.

It was now clear that for the British on Nova Scotia, the reduction of the French power in the area, combined with the continued state of war, provided an excellent opportunity for the final solution of the Acadian problem without further worry about the Acadians becoming a war threat by joining the French. Lieutenant Governor Lawrence and his Council now moved to the climactic stroke: an order for the expulsion of every Acadian from Nova Scotia soil. The order was issued illegally, without authority from Britain or from the absent Governor Hopson, but with a pliant legal opinion handed down by Chief Justice Jonathan Belcher, Jr.

The grand genocidal design for eradication of the Acadians from the land they had built was now under way. By a ruse the Acadian men were assembled together, and were then suddenly denounced as rebels by the authorities and taken prisoner without warning. All the land, the cattle, and the corn of the Acadian people were confiscated by the Crown: only ready cash and furniture could be removed from the province. All the Acadian villages and many farms and homes were burned and destroyed by the British troops, who also used every possible method to flush out any Acadians hiding in the woods. In Posiquid, the British troops arrogantly quartered themselves in a Roman Catholic church and took the precaution of ordering the Acadians to furnish them with provisions before rounding them up. To ensure submission, the young male prisoners were coercively separated from their families.

The massive expulsion of the Acadians began in early October 1755, and ship after ship, separating families and friends, conveyed the unfor-

turnates to all parts of the hemisphere. Shortly after the expulsion began, Lawrence received the king's order *not* to molest the Acadians. Reasoning as the typical bureaucrat, Lawrence rationalized his disobeying the king's order: once begun, even if in error, the expulsion process could not be reversed! By the end of the year, over six thousand Acadians were deported and their property confiscated or destroyed. A remnant remained hiding in the woods. Some of the ships were decimated by smallpox. The Acadians were shipped to Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, and Connecticut, with Lawrence instructing their governors to dispose of the refugees in such a way as to prevent them from remaining together as a people. In some of the colonies, the younger Acadians were conscripted as indentured servants for a few months.

Typical of the cold treatment of the Acadians in the American colonies was that of South Carolina, where about a third of the Acadians were sent. They were immediately thrown into custody. Soon after, they were compulsorily dispersed, quotas being sent to all of the parishes of the colony. Finally they were given permission to go where they wished, the bulk of them deciding to migrate to French Canada.

Pennsylvania's treatment of the hapless refugees was particularly ill-natured, and was capped by bitter attacks by Pennsylvania's Governor Robert Hunter Morris and New Jersey's Governor Jonathan Belcher (father of Nova Scotia's pliable chief justice). Morris and Belcher raised the alarm about an imminent, giant subversive Roman Catholic conspiracy in the colonies' midst—an unholy potential alliance of Acadians, Irish, and German Catholics. All these groups were attacked by the governors as "rebels and traitors"; besides, the colonies had "too many strangers" already. Only the generosity of the Quakers made the lot of the coercively dispersed Acadians at all tolerable.

New York led in seizing Acadian youth and forcing them into the bondage of indentured service. All the men were placed under arrest and dispersed by quota among the various districts in the province. Massachusetts received over one thousand Acadians, many filtering down through the wilderness from Nova Scotia. A tract of land was set aside for Acadians in Worcester, but when many began to move to Boston, the city's selectmen expelled them to the outlying districts. Virginia expelled all of its Acadians, most of whom moved to French Louisiana.

Some Acadians who had left voluntarily for New Brunswick, made the mistake of asking for readmission to Acadia. Granted the permission, they were promptly placed in vassalage in Nova Scotia or deported to France and England. Also unfortunate were the fifteen hundred who ended up in supposedly hospitable Quebec. There, however, they were treated cruelly, robbed of their remaining possessions by the French commander, and allowed virtually no food. Many died from smallpox. After the British con-

quered Quebec later in the war, many Acadians were seized and shipped as defeated prisoners of war to Halifax, where they were forced to work on the roads.

Only in Maryland, where Catholics were not unknown monsters, were the Acadians treated with courtesy and kindness in the Americas. They were voluntarily housed in private homes, and were able to find work and build homes in Baltimore.

Many Acadians had voluntarily emigrated to Prince Edward Island, and by 1755 four thousand former Acadians had settled there. Upon the final British capture of Louisbourg and Prince Edward, the British deported them all to France, two of the ships sinking with seven hundred Acadians aboard.

A few of the Acadians managed to hide successfully in the woods of Nova Scotia, and there they teamed up with dissident Indians to wage guerrilla war upon their tormentors. Two hundred of them were rounded up by January 1756 and shipped to South Carolina. The prisoners managed to take over the ship and sailed to Canada, where they became privateers for the French. After the war in America was over, however, the British captured this community and carried off the inhabitants as prisoners to Halifax.

Charles Lawrence's defiance of the king's order not to expel the Acadians went unpunished. Shortly afterward, war between England and France broke out officially, and Lawrence only seemed to be a premature patriot.

The tragedy of the poor Acadians was not over, even with the end of the war in America in 1760. By 1761, Jonathan Belcher, Jr., now lieutenant governor of Nova Scotia, professed to miss the Acadians. Who could now repair the dikes? Yet when Acadians began to drift back to Nova Scotia, their very presence changed Belcher's mind and he and the Council expelled them once again. Unfortunately, they were deported to Massachusetts, which refused to receive the five shiploads of Acadians and sent them back again.

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Total War

By the end of 1755, then, the first phase of the French and Indian War had ended. British and Virginian attacks on Fort Duquesne had been smashed, as indeed had all the aggressive expeditions against the French except the campaign against Fort Beauséjour in New Brunswick, a victory followed by the expulsion of the entire peaceful French population of Nova Scotia. Despite determined and continued efforts by the French to preserve the peace, war between England and France officially broke out in the spring of 1756.

A new phase of the war had begun. England and France were now formally embarked on the Seven Years' War, waged in Europe and in the overseas colonies in the East and the West. In America, Governor Shirley, in command of the English forces, concentrated on the northern frontier with New France in New York. The two main areas of conflict were on Lake Ontario in the west, and the Lake George-Lake Champlain area north of Albany. But Shirley had his troubles at the two English western forts of Oswego and Ontario, which were wracked by disease, lack of provisions, lack of money for soldiers' pay, and near mutiny and mass desertions. Under Shirley, supplies to the forts had bogged down. Graft abounded in connection with the army's contracts, especially in the circle of Shirley's friends.

On the other side, the best new asset was the brilliant new commander in New France, the Marquis de Montcalm. In a sparkling maneuver, Montcalm captured and destroyed Fort Ontario and Fort Oswego in mid-August 1756. The British had now been driven from the entire Lake Ontario region, and this success now induced many Iroquois as well as other western

Indian tribes to join the French side. At about the same time, Shirley was replaced as commander of American forces by the Earl of Loudoun, who soon sent Shirley packing out of the country in disgrace. The Earl, however, did little better than Shirley. During the 1757 summer campaign, while the Earl was mobilizing a huge force of fifteen thousand men for an assault on Louisbourg (an assault that he had to abandon), Montcalm swept down, and captured and destroyed Fort William Henry, the English stronghold at the southern tip of Lake George.

Loudoun had his troubles on the American homefront as well. New Yorkers, particularly in New York City and Albany, strenuously objected to Loudoun's compulsory quartering of English troops in their private homes. The Pennsylvania militia bill was finally driven through, but the New Jersey Assembly sturdily refused Loudoun's demand that it draft one thousand men for the war effort. New Jersey was a colony with heavy Quaker influence, and it was not and would not be part of the theater of war. Thus self-interest, pacifist philosophy, and a natural instinct for liberty all combined to resist a draft. Instead, New Jersey offered a handsome bounty for voluntary enlistments. Quaker justices of the peace, indeed, used their position to persuade recruits not to join up and even imprisoned them on fictitious charges until their military outfits had gone. Desertions from the army were frequent and generally went unpunished.

In 1756 and 1757, the French, having repulsed the attacks of the English under the great generalship of Montcalm, were able to take the initiative and to win signal victories on Lake Ontario and on the upper New York frontier. In the meanwhile, a grave and fateful turn of affairs was under way in Britain itself. With the war, especially in America, going badly, England again faced the choice of retreating or redoubling its efforts. It chose charisma and William Pitt, the half-crazed arch warmonger of them all.

In malevolent contrast to his confreres, Pitt was the harbinger of a modern war leader. Other European statesmen were content to fight for limited objectives and to indulge in an unedifying but at least a not fatally destructive jockeying over the balance of power. But Pitt, in his appetite for power, plunder, and imperial glory, was satisfied with nothing less than total victory, pursued by total mobilization and an all-out drive to crush the enemy without quarter. His particular interest for many years had been the eradication of New France. Backed by the London merchants and financiers eager for conquest and plunder, and by the English masses swayed by his imperialistic demagoguery, Pitt rode to power in late 1756. After some faltering in early 1757, Pitt finally agreed to add Cumberland's desire to pursue the war in Europe to his own plans for colonial conquest. Pitt was then firmly ensconced as virtually absolute war dictator by July 1757. A chastened Newcastle stayed to lend his important support as prime minister.

From the time that Pitt and his unlimited war took hold, the doom of New France was strategically inevitable. Already critically short of provisions, the French in America were soon faced with an overwhelming—and ever-increasing—disadvantage in men and resources. All Montcalm could do—which he did superbly—was to hold on as long as he could and hope for peace to be made in Europe.

At the end of 1757, Loudoun was succeeded as commander-in-chief by General James Abercromby, and Pitt proceeded to mobilize overwhelming numbers against the French. The British were to pay for arms and ammunition, and partially pay the expenses of the colonial troops. Even so, during the summer campaign of 1758, the French won their last great victory. Led by Abercromby, a huge force of over six thousand regulars and nine thousand American troops marched on Fort Carillon (Ticonderoga), the French bastion at the southern tip of Lake Champlain. On July 8, the French met this giant force with only slightly more than three thousand men, but again cut the English force to ribbons. The event was greatly aided by the stupid generalship of Abercromby, who repeatedly hurled his unfortunate troops into volleys of frontal fire.

So large was the British force, however, that this proved but a temporary setback to their plans. In complete command of the sea, a British fleet of forty ships carrying a land force of over ten thousand men (the vast bulk of them British regulars) and a sea force of at least as many, meanwhile laid siege to Louisbourg. The French defenders, scarcely six thousand strong, were soon forced to capitulate. The British celebrated their victory by expelling the entire French population from Cape Breton Island. Shortly afterward, at the end of August, Colonel John Bradstreet, commanding a force of over three thousand, found little trouble in swamping a Fort Frontenac guarded by a hundred men. The loss of this key French fort on the northern side of Lake Ontario cut communications between Canada and the Ohio Valley.

General Abercromby was promptly removed from overall command, and succeeded by General Jeffery Amherst, the victor at Louisbourg. The obvious next step was the recapture of Fort Duquesne and thus of the Ohio Valley. Paving the way for this was an agreement with the Delaware and Shawnee Indians, who had been conducting raids on the Pennsylvania frontier. Cheated of their lands by the walking purchase, these Indians had been further scandalized by the Albany Convention Treaty of 1754. In this treaty, the Iroquis, vaguely and tenuously overlords of the Ohio Valley tribes, were easily persuaded to sign away to the British all the Ohio Valley lands, which were utterly remote from their control or genuine concern. Finally, under the influence of Israel Pemberton and the Quakers, Pennsylvania concluded a peace agreement with the Indians in October 1758, relinquishing Pennsylvania's entire claim to the Ohio lands west of the Alleghenies. The road was now paved for General John Forbes' expedition

against Fort Duquesne with a force of about six thousand men, the majority colonial militia. Again the French defenders were hopelessly outnumbered, having no more than one thousand men. Even though the Virginia route to Duquesne had already been built by Braddock, Forbes decided to hew a new road from Pennsylvania. The issue could not be in doubt, however, and at the end of November the retreating French destroyed Fort Duquesne. The fort was soon rebuilt by the British and fittingly renamed Fort Pitt.

With all the main French positions west and east captured—except for Fort Niagara—and enjoying absolute command of the sea, the British at the start of 1759 were in a firm position to strike into the Canadian heartland. Montcalm, commanding about ten thousand men and low on provisions, confronted the prospect of opposing five times that number, and knew that he could only concentrate his forces in the heartland and hope for a general peace. He was, however, beset by troubles both from a governor who had no conception of the danger and dreamed absurdly of retaking Lake Ontario and even Fort Pitt, and from a corrupt and venal statist bureaucracy in Canada.

The first tasks of the British in 1759 were to capture Fort Niagara and the Lake Champlain forts of Carillon and St. Frederic, after which the assault on Canada itself could be mounted. General John Prideaux, with several thousand men, laid siege to less than five hundred at Fort Niagara. Despite a series of blunders that included the accidental killing of Prideaux by British shells, sheer British numbers overwhelmed the fort at the end of July. Furthermore, a poorly organized French relief party of nearly fifteen hundred was captured and destroyed. The west was firmly in British hands.

In the meanwhile, Amherst advanced with about twelve thousand men, approximately half British and half provincials, against only twenty-five hundred French at Fort Carillon. The French could only blow up Fort Carillon and then Fort St. Frederic and retreat northward. By the end of July, the British had thus cleared all the outposts south of Canada and were ready for the climactic blow. In fact, the British probably could have finished the war swiftly if Amherst had had the tenacity to march north from Lake Champlain and capture Montreal. Instead, Amherst wasted a great deal of precious time building elaborate forts at Crown Point and Ticonderoga, which were irrelevant both to the current war and to the future frontier. After this, Amherst dawdled until the onset of winter suspended operations.

While Montreal was to remain as the major British effort of the following year, the climactic battle of the war was achieved in the capture of Quebec—the goal of so many British expeditions since the seventeenth century. In June 1759, a force of about nine thousand under young General James Wolfe launched an amphibious campaign up the St. Lawrence. The huge fleet, under Vice Admiral Charles Saunders, included one hundred seventy

ships carrying some eighteen thousand seamen. A hard-line militarist and imperialist, Wolfe had nothing but the utmost contempt for Americans, French or Indians, and he wantonly destroyed and devastated the French settlements as he went. After three months of aimless and futile siege, Wolfe finally assented to the plan of his brigadiers. With a force of thirty-five hundred men, he executed a surprise maneuver to ascend to the Plains of Abraham near Quebec, where he routed the slightly smaller force of Montcalm's. Quebec's surrender was a matter of a few days. By the middle of September, the seat of French power in the New World had fallen.

Despite the loss of Quebec and of the great Montcalm, who had also fallen at the Plains of Abraham, the amazing French fought on. The new French commander, the Chevalier de Lévis-Leran, even administered a drubbing to the British forces the following spring. The British, too, had a new commander, General James Murray, for Wolfe had also been killed at the Plains of Abraham. The French, indeed, might well have recaptured Quebec, but once again numbers prevailed and a British relief party turned the tide. Finally, three forces converged on Montreal: Murray from Quebec, Amherst up the St. Lawrence from Lake Ontario, and Colonel William Haviland up the Richelieu River from Lake Champlain. Montreal finally fell on September 8, 1760. The British had succeeded in conquering all of Canada. The war with the French, so far as America was concerned, was over.

The American Colonies and the War

During the French and Indian War, Americans continued the great tradition of trading with the enemy, and even more readily than before. As in King George's War, Newport took the lead; other vital centers were New York and Philadelphia. The individualistic Rhode Islanders angrily turned Governor Stephen Hopkins out of office for embroiling Rhode Island in a "foreign" war between England and France. Rhode Island blithely disregarded the embargo against trade with the enemy, and redoubled its commerce with France. Rhode Island's ships also functioned as one of the major sources of supply for French Canada during the war. In the fall of 1757, William Pitt was told that the Rhode Islanders "are a lawless set of smugglers, who continually supply the enemy with what provisions they want. . . ."

The Crown ordered royal governors to embargo exports of food and to break up the extensive traffic with the West Indies, but shippers again resorted to flags of truce and trade through neutral ports in the West Indies. Monte Cristi, in Spanish Hispaniola, proved to be a particularly popular intermediary port.

The flags-of-truce device particularly irritated the British, and the lucrative sale of this privilege—with the prisoners' names left blank—was indulged in by Governors William Denny of Pennsylvania and Francis Bernard of New Jersey. French prisoners, for token exchanges under the flags, were rare, and therefore at a premium, and merchants in Philadelphia and New York paid high prices for these prisoners to Newport privateers. The peak of this trade came in 1759, for in the following year, with the end of the war with New France, the Royal Navy was able to turn its attention to this trade and virtually suppress it.

However, in the words of Professor Bridenbaugh, "Privateering and trade with the enemy might have their ups and downs . . . but then as now, government contracts seemed to entail little risk and to pay off handsomely."* Particularly feeding at the trough of government war contracts were specially privileged merchants of New York and Pennsylvania. Two firms of London merchants were especially influential in handing out British war contracts to their favorite American correspondents. Thus, the highly influential London firm of John Thomlinson and John Hanbury (who was deeply involved in the Ohio Company) received a huge war contract; the firm designated Charles Apthorp and Company its Boston representative, and Colonel William Bayard its representative in New York. In addition, the powerful London merchant Moses Franks arranged for his relatives and friends—David Franks of Philadelphia, and Jacob Franks, John Watts, and the powerful Oliver DeLancey of New York—to be made government agents. New York, furthermore, was made the concentration point for the British forces and the general storehouse of arms and ammunition, thus permitting "many merchants to amass fortunes as subcontractors if they enjoyed the proper family connections."** By 1761, however, all the great ports in America were suffering badly from the severe dislocation of trade wrought by the war.

Smuggling and trading with the enemy were not the only forms of American resistance to British dictation during the French and Indian War. During the French wars of the 1740s, Boston had been the center of violent resistance to conscription for the war effort, an effort that decimated the Massachusetts male population. During the French and Indian War, Massachusetts continued as the most active center of resistance to conscription and of widespread desertion, often en masse, from the militia.

Thomas Pownall took over as governor of Massachusetts in early 1757, and cracked down bitterly on Massachusetts' liberties: he sent troops outside Massachusetts without Assembly permission, threatened to punish justices of the peace who did not enforce the laws against desertion (hitherto interpreted with "salutary neglect"), and threatened Boston with military occupation if the Assembly did not agree to the arrival and quartering of British troops. In November, English recruiting officers appeared in Boston, and the Assembly and the Boston magistrates forbade any recruiting or any quartering of troops in the town. Pownall vetoed these actions as violations of the royal prerogative, especially in "emergencies." The magistrates then countered by detaining recruiting officers in order to investigate them as potential carriers of disease. When Pownall tried to frighten the Massachusetts Assembly with the French threat, it cogently replied that the *real* threat

*Carl Bridenbaugh, *Cities in Revolt* (New York: G. P. Putnam's Sons, Capricorn Books, 1964), p. 68.

***Ibid.*, p. 69.

was the English army, and that if that army marched on Massachusetts, as their commander-in-chief Lord Loudoun was threatening, Massachusetts would resist the troops by force. The legislature insisted on the natural rights of the people of Massachusetts, to defend which they would "resist to the last breath a cruel, invading army."

Lord Loudoun was threatening to send his army from Long Island, Connecticut, and Pennsylvania to compel the quartering of troops in Boston. In exasperation, Lord Loudoun wrote to Governor Pownall in December 1757: "They [the Massachusetts Assembly] attempt to take away the King's undoubted prerogative; . . . they attempt to take away an act of the British Parliament; they attempt to make it impossible for the King either to keep troops in North America, or . . . to march them through his own dominion. . . ." The Massachusetts legislature finally agreed to permit the quartering of troops, but formally insisted that this quartering come under its own authority and not that of England or its governor.

So few citizens of Massachusetts volunteered for the 1758 campaign that Governor Pownall resorted to the hated device of conscription. Resentment among the people was intensified by such British recruiting methods as dragging drunken men into the army. The people erupted angrily in a series of riots, attacking and beating up recruiting squads, all of which required the British to retain a large troop in Massachusetts to crush an imminent rebellion. The Massachusetts draftees then resorted to the silent but effective nonviolent resistance of mass desertions, refusal to obey the hated officers, and going on sick call. Lieutenant Governor Thomas Hutchinson was appointed to round up deserters, and hundreds were betrayed by the government's network of paid informers. The people's resentment and resistance were intensified by the economic depression in Massachusetts caused by high taxes for the war effort.

Following the disastrous Ticonderoga campaign in 1758, the English general James Wolfe wrote in vehemence and despair that "the Americans are in general the dirtiest, most contemptible cowardly dogs, that you can conceive. There is no depending upon them in action. They . . . desert by battalions, officers and all."* Moreover, the Americans added a new concept to the age-old European peasant and yeoman practice of desertion: the assassination of officers who would not cooperate.

Even in the following years of English victory, the Massachusetts militia continued its resistance. In 1759, it refused to remain at Lake Champlain for the winter, mutinied against its officers, and returned home. The following year, the Massachusetts militia refused to go from Nova Scotia to Que-

*Other officials and observers remarked wonderingly of the individualistic spirit of the militiamen: "Almost every man his own master and a general." With the militia officers democratically elected by their men, "the notion of liberty so generally prevails, that they are impatient under all kind of superiority and authority."

bec, and mutinied again. General Jeffery Amherst had high-handedly decided, in late 1759, to keep the Massachusetts troops in Nova Scotia over the winter of 1759–60, despite the fact that their terms of enlistment had expired. The men unanimously announced their refusal to serve any longer, and wrote to the commander demanding that they be sent home. The Americans were all placed under guard thereafter.

The British decided to shoot the mutinous colonists, but bloodshed was averted at the last minute when the Massachusetts General Court extended the terms of enlistment to six months, and sweetened the pill with an extra bonus of four pounds per soldier. By spring, however, the men and the General Court remained firm: the troops unanimously decided to leave and the General Court refused to extend their terms in the army. So anxious were the Massachusetts soldiers to leave to go home that a party of them commandeered a ship and set sail for home. It was wholly in vain that Amherst demanded British-style discipline for these rebellious, democratically governed militiamen.

Large numbers of deserting sailors, furthermore, left to join the merchant marine for large-scale smuggling and trade with the enemy. New York City was a lively center for deserting sailors, and New York merchants systematically hid the sailors from the British troops. The British compelled their return in 1757 by threatening to conduct a deliberately brutal and thorough house-to-house search, and to treat New York as a conquered city. British troops were quartered upon New York against the vehement opposition of the citizens they were supposedly "protecting." In Philadelphia, pacifist mobs repeatedly attacked recruiting officers and even lynched one in February 1756.

In general, continuing conflict raged between English commanders, who wanted complete control over the colonial militia, and the Assemblies, which insisted on definite limitations on militia service. American disaffection with the war effort was particularly marked after 1756, when the limited campaign to grab Ohio lands was succeeded by full-scale war against French Canada.

If Americans, during the Seven Years' War, pursued a policy of trading with the enemy, the British bitterly alienated the other countries of Europe by repudiating all the cherished principles of international law on the sea that had been worked out over the past century. The developed and agreed-upon principle of international law was that neutral ships were entitled to trade with a warring country without molestation by any belligerent ("free ships make free goods"), unless the goods were actual armaments. After finally agreeing to this civilized principle of international law in the late seventeenth century, England now returned to the piratical practice of attacking neutral ships trading with France and of stopping and searching neutral ships on the high seas.

England had long been the major opponent of rational international law, and of the great libertarian concept of "freedom of the seas," which formed an integral part of that law. Neutrals' rights were a corollary of that concept, as was the doctrine that no nation could claim ownership or sovereignty of the seas—that, in fact, the citizens of any nation could use the open seas to trade, travel, or fish where they would. During the sixteenth century, Queen Elizabeth had not accepted the grandiose claims of the mystic astrologer Dr. John Dee, of England's claim to ownership of the surrounding seas. After all, England was then engaged in asserting freedom of the seas against the presumed Spanish and Portuguese monopolies of the newly discovered oceans. But after the accession of the Stuarts, Spain was no longer a grave threat to the seas, and England's overriding maritime interest was to destroy the highly efficient and competitive Dutch shipping. Very early in his reign, James I claimed ownership of the surrounding seas and the fish therein, and Charles I arrogantly claimed sovereignty over the entire North Sea.

In opposition to the Stuart pretensions, the great Dutch "father of international law," the liberal Hugo Grotius, laid down the principle of freedom of the seas in his *Mare Liberum* in 1609, and integrated the principle into the natural-law structure of international law in his definitive treatise of 1625, *De jure belli ac pacis*. Grotius was able to build upon the sixteenth-century writings of the great liberal Spanish jurists and scholastics Francisco Alfonso de Castro, Ferdinand Vasquez Menchaea, and Francisco Suárez, who flourished even in a time when the Spanish interest was in proclaiming its sovereignty of the seas. Grotius' libertarian view of freedom of the seas could expect to meet stern opposition in many countries, but the greatest opposition was in England, where the Stuarts mobilized scholars in their defense. The leading opponents of Grotius and celebrants of governmental and especially English sovereignty over the seas were the Scot professor William Welwood (1613); the Italian-born Oxford regius professor Albericus Gentilis (1613), who proclaimed absolute English ownership of the Atlantic as far west as America; Sir John Bourghs, royal bureaucrat (1633); and John Selden (1635).

England continued its grandiose claims during the seventeenth century, but with its shipping ever more extensive by the end of the century, it began to consent to be bound by international law on the high seas. England had also been the major opponent of neutral rights in time of war and the Dutch their major advocate. However, in the Treaty of 1674 with Holland, England finally agreed to the vital rule of "free ships, free goods" in protection of neutral shipping, a principle that France and Spain had at least formally ratified two decades before. But now, on the opening of the Seven Years' War, England arrogantly informed the Dutch and other neutrals that any of their ships trading with France would be treated as

enemy vessels, under a specious, newly coined "rule" outlawing neutral shipping that the enemy had permitted in its ports in time of peace. Chief theoretician of this British reversion to official piracy was the Tory Jacobite Charles Jenkinson.

Britain's arrogant attacks on neutral shipping and violations of international law during the Seven Years' War alienated all the neutral countries of Europe, who soon raised a cry to return to "freedom of the seas." Particularly harassed was the highly efficient Dutch shipping, and fellow sufferers from British policy were Spain, Portugal, Sweden, Russia, Naples, Tuscany, Genoa, and Sardinia.

Concluding Peace

Although the conflict in America was ended by 1760, the war between Britain and France continued to rage elsewhere: India; the West Indies, where England captured Guadeloupe; and Europe. Through it all, England was driven by the mania of William Pitt for the total crushing of the French enemy. By the end of 1759, Guadeloupe had been conquered and New France all but vanquished. Coupled with England's commanding position, however, was the burden of high taxes and of a mounting national debt. Increasingly appalled at the long and terribly costly war, Newcastle and the Whigs concluded that it was high time to make peace. Newcastle's cry was typical: "I wish to God I could see my way through this mountain of expense!"

A pamphlet war now began to rage in Great Britain, sponsored by and reflecting the positions of the contending parties. The imperialist war crowd, led by Pitt, his brother-in-law George Grenville, the Duke of Bedford, and the young Prince of Wales and his high Tory adviser the Earl of Bute, panicked at any hint of peace and demanded the retention of every British conquest, especially of Canada. Some imperialist pamphlets went so far as to urge the conquest of French Louisiana. In the last analysis, however, the imperialists were willing to concede Guadeloupe in order to keep Canada. Even Pitt's instincts for keeping any and all conquests were tempered by the fact that his main political and financial supporter was Alderman William Beckford. Beckford, leader of the London merchants and financiers, was one of the richest men in the British Empire. An absentee sugar planter of the West Indies, he opposed incorporating the fertile and efficient French sugar plantations into the empire and thus into its extensive markets. Fur-

thermore, Pitt himself had strong family connections with West Indies planters.

To counter the imperialist propaganda, the Newcastle peace forces enlisted the services of William Burke, secretary of the newly conquered Guadeloupe. Burke rose to the occasion with a trenchant and popular pamphlet published in January 1760. Burke recalled the original war aim as stated in November 1754: the limited conquest of the upper Ohio Valley east of the Wabash. He suggested a return to these limited war aims, the retention of only Guadeloupe and the upper Ohio Valley, and the return of Canada to France. In this way "proper limits" would be established to English conquest, and peace could be concluded quickly and amicably. Several other Whig pamphlets joined Burke in asking for the return of Canada, one of which was also printed in Boston.

The imperialists counterattacked with another flood of pamphlets in February and March, insisting on keeping Canada and hence implicitly on continuing the war indefinitely. The major imperialist reply was the influential pamphlet by Benjamin Franklin and Richard Jackson, *The Interest of Great Britain Considered*, published in the spring of 1760 and reprinted that year in Boston and Philadelphia. Franklin, agent of the Pennsylvania legislature in England, was a friend of Bedford, Halifax, and Pitt, but his closest associates were among the high Tory clique, whose leading luminaries were Lord Bute and the Prince of Wales. All shared the goal of increased centralized royal control over the American colonies, and Franklin also aimed at royal replacement of proprietary government in Pennsylvania.

As the pamphlet war began to brew at the turn of 1760, Franklin had written to his close friend Lord Kames of his gushing enthusiasm for a grandiose British Empire: "As . . . a Briton I have long been of opinion that the foundations of the future grandeur and stability of the British Empire lie in America." Kames, the head of the high Tory Scottish faction that was always and ever subservient to the Crown and the royal prerogative, commissioned Franklin to write his major imperialist pamphlet. In this work, Franklin held out to the British the usual imperialist visions of being a huge naval power and of vast markets for British manufactures in a British Canada. Himself heavily engaged in speculation in western land, Franklin trumpeted the virtues of cheap virgin land to the British Empire. Grateful for Franklin's allegiance, the Tories were soon to make his son William a baronet and a governor of New Jersey, while Oxford University, the intellectual center of the Tories, granted Franklin an honorary degree.

Newcastle and the Whigs had been able, in late 1759, to force the reluctant Pitt into peace negotiations with France. By early 1760, England and France were very close to agreement on a mild peace that would have returned the bulk of Canada and Guadeloupe to French hands, while ceding the upper Ohio Valley and Nova Scotia to England, and demolish-

ing the French fort at Louisbourg. But Pitt was able to sabotage the negotiations and to break them off by April on the flimsy excuse that the British ally Prussia was not sufficiently protected in the peace terms—a particularly phony ruse because Prussia itself ardently favored the quick peace.

Pitt and the imperialists greatly needed an issue to prevent peace from breaking out. They found it in the series of aggressions and depredations they were conducting against neutral Spain. Spanish shipping was plundered on the high seas along with ships of other European neutrals, and Spaniards were illegally deprived by the British of their legal fishing rights in Newfoundland waters. But Pitt arrogantly refused to respect Spain's rights in fishing or in shipping. Furthermore, in direct violation of an agreement concluded by Newcastle six years earlier, Pitt refused to limit the aggressions of British loggers in Honduras. Spain had agreed to grant some permission to Englishmen to cut logs in Honduras. The English log cutters promptly began to violate Spanish goodwill by building forts and claiming sovereignty over the whole region for England.

Events took a fateful turn in the fall of 1760. The French surrendered Canada in September, and in the following month King George II died and was succeeded by the Prince of Wales as George III. Since George II had been an ardent supporter of Pitt's imperialist schemes, Newcastle and his chief follower, the Earl of Hardwicke, as well as their fellow Whigs, saw in both events an opportunity to resume negotiations for peace.

The Whigs reopened the debate on the peace terms in November, in a highly influential pamphlet by the wealthy merchant Israel Mauduit, *Considerations on the Present German War*. Mauduit advocated the old Whig policy of returning Canada, while retaining Guadeloupe and the other sugar islands. He also boldly recommended a return to the old Walpole-Pelham policy of ceasing to meddle or intervene in the affairs of Europe or to whip up conflicts against France. Mauduit showed that such a course would be far kinder to England's Prussian ally.

The new king promptly added to his cabinet his chief adviser, the Earl of Bute, and Bute brought in other Tories associated with the royal faction. The ultimate aims of Bute and King George on the one hand and Pitt on the other were quite similar: the absolute destruction of the Whig party and its legacy of liberalism, and the aggrandizement of royal control over Parliament and country. Both factions also agreed on the major imperial war aim of retaining Canada, since both had been nurtured in the visionary imperial dreams of the old Beckfordite opposition to Walpole. Here they were joined, of course, by the other imperialist factions, such as those of Bedford and of George Grenville. All these doctrinal positions could join in a systematic policy of high Toryism: aggrandizement of strong royal power at home and throughout the empire. Hence, these Tory-minded fac-

tions could also readily agree on other programs of the old anti-Walpole opposition: on the ending of "salutary neglect," on the rigorous enforcement of trade regulations over the colonies, and on a strong central government over America—perhaps to be headed by the pliable Benjamin Franklin.

The imperialists lost little time in mounting a heavy counterattack of pamphlets against Mauduit and the Whigs. The major rebuttal, *Reasons in Support of the War in Germany*, was published in January 1761 by Robert Wood, one of Pitt's chief aides. But the real author behind the scenes was thought to be Pitt himself. Also joining in the pressure to keep Canada was the alderman Sir William Baker, a leading military contractor and merchant in the American trade, in which he was closely associated with the leading American contractors DeLancey and Watts.

By the spring of 1761, the French declared their willingness to yield far more than called for by the moderate Whig demands. They would cede to Britain Canada, the Ohio Valley, and even Guadeloupe, provided that France could retain her precious fishing rights in Canadian and Newfoundland waters, with Louisbourg to protect them. But the fishing rights were precisely what Pitt was most eager to gain, one of his prime objects in the war being an English monopoly of Canadian fishing and the crushing of efficient French competition. Pitt delighted in pouring cold water on the Whigs, who were overjoyed at the French peace offer. He would, he savagely assured them, fight for another half-dozen years to control Canada and its fishing. Alderman Baker now returned to the attack, urging not only the retention of Canada and a monopoly of its fisheries, but also the seizure of French Louisiana.

By the end of June, a new division had emerged in the cabinet: King George, Bute, Pitt, and Pitt's faithful brother-in-law Earl Temple united on a minimum of peace terms—the Ohio Valley, Canada, Louisbourg, and the fishing monopoly. The Whigs, Newcastle and Hardwicke, were, surprisingly, now joined by Bedford and John Carteret, who realized that France would fight to the death for her fishing rights. In reply to the generous French peace offer, Pitt, bolstered by his wide support, fired an ultimatum: Surrender Canada, Louisbourg, the fisheries and French conquests in Germany in return for keeping Guadeloupe. Furthermore, none of Spain's grievances against England was to be satisfied, and Pitt disdainfully broke off all negotiations with Spain.

Its ships plundered, its fishing rights banned, and its Honduran territory seized by a contemptuous Britain, Spain grew desperate and sought aid from France. Both Spain and France grew still more anxious at a new, highly touted scheme of Bute and George Grenville (Pitt's brother-in-law) to conquer French Louisiana, a scheme that led to the transfer of General Amherst's forces from Canada to Charleston, South Carolina, in the spring of 1761. Bute and Grenville were heavily influenced in behalf of this plan by a

manuscript of Henry McCulloh, a British official in North Carolina. McCulloh, an active speculator in trans-Carolina lands, had for years hawked a French "threat" to America and advocated a strong centralized government over the colonies. Now McCulloh called for a grab of Louisiana and its valued lands and furs.

A debate now ensued on the meaning of what had been included in the surrender of "Canada" at Montreal. Pitt insisted that "Canada" also included all of Louisiana east of the Mississippi. France, however, pointed out that the surrender did not include the Illinois-Wabash area in the southeast. Thus, Pitt too had escalated English demands by claiming all of eastern Louisiana from the French.

To appease Pitt's paranoia, France had refrained from forming an alliance with Spain, but now the two harassed countries began to draw together. It was clear that Pitt would only issue outrageous demands rather than negotiate for peace. In desperation, France and Spain agreed in late August that the latter would enter the war should England permit or prolong the conflict. The maniacal Pitt, scenting plots, now broke off negotiations after France had again refused to accept his ultimatum. Pitt carried the day by threatening to resign if peace negotiations continued.

Britain now faced the problem of Spain's entry into the war. Open were two courses: one, to resume peace negotiations, which would keep Spain out of the war; two, now demanded by Pitt, to launch aggressive war upon Spain. Indeed, Pitt, in mid-September 1761, urged an all-out surprise attack on the Spanish fleet, a violation of international law that would further alienate all European powers from Great Britain.

In all of his recent aggressive designs, Pitt had been able to carry the day over Bedford and the Whigs by maintaining the support of the Earl of Bute. But now Bute, while favoring aggression against Spain, disagreed on the timing: he wished to wait and prepare the public, and first end the war on the continent of Europe. Backed by King George, Bute refused to bow to Pitt's threats to resign if Spain were not attacked. Pitt and Earl Temple were therefore allowed to resign on October 2.

Britain's fanatical war leader was now out of power. But William Pitt was hardly in disgrace. It was Bute's intention to reinstate Pitt—in a less-powerful post, of course—as soon as he had managed to make war upon Spain. Then, their common aim to aggrandize the royal prerogative and to destroy the liberal Whig party could proceed undisturbed. In the meanwhile, as a token of his esteem, Bute lavished peerages and pensions on Pitt and on his family. He also pursued a subtle form of Pittite policy without the great man's personal participation. England was to have Pittism without Pitt.

It is impossible to penetrate the tangled thicket of British politics in the eighteenth century without grasping the crucial and fateful role played by William Pitt, soon to be made the first Earl of Chatham. From the time that

he emerged on the political scene in the late 1730s, Pitt was the decisive force in destroying the Whig equilibrium that had been established by Robert Walpole in the early decades of the century. The liberal Whig principles of peace, low taxes, and minimal government—supported by merchants and masses as against statist Tory prerogative—were shattered almost single-handedly by Pitt. Pitt was able to win over for the Tory objectives of imperial aggression and the royal prerogative, both the masses and the leading merchants and financiers. The former were carried away by chauvinist demagoguery and war hysteria induced by Pitt's charismatic oratory; the latter were joyous at the advantages to be reaped by imperial plunder and the privileges of monopoly. In this way, Pitt was able to shatter the great Whig coalition of merchant and populace, to involve England in two long, costly, impoverishing wars, and thus to pave the way for an active Tory monarch like George III to impose his rule both at home and abroad. The half-crazed man on the white horse, welding effective demagoguery to special interests, William Pitt was the spearhead of the British counterrevolution.

George III's predecessors had not been particularly concerned with exerting the royal prerogative. William III and the first two Georges were largely concerned with Continental politics, and the last two with their Hanoverian home. The Georges, indeed, generally spent at least half of each year in their beloved Hanover. But George III was determined to play a direct and decisive role in government. He was inspired to break the Whigs and to exercise his dominance by his teacher Lord Bute. Bute, in turn, was influenced in this goal by the Tory political philosopher Lord Bolingbroke and his idea of the "patriot king" smashing all political parties independent of his will, and ruling the nation without check or limit.

With Pitt out of the cabinet, his brother-in-law George Grenville, who remained in the cabinet, became leader of the House of Commons. Grenville's brother-in-law, the Earl of Egremont, became secretary of state for the Southern Department. The great political struggle now centered on the projected war against Spain, with Bute preparing for it and Newcastle opposed and calling for a quick general peace. In plotting a war against Spain, Bute was more than fully backed by Grenville and Egremont, while Newcastle was supported by the Whigs and by Bedford.

To force Spain into war, Egremont, buttressed by Bute and Grenville, sent a series of arrogant and insulting ultimatums to Spain in the fall of 1761. Spain was ordered to agree to the forfeit of its violated rights, to the lack of any satisfaction of its grievances, and to renounce any use of force in protecting her rights—else England would go to war with Spain in retaliation for its silent "aggression." Newcastle, Bedford, and the Whigs tried desperately to launch negotiations and avert war, but England simply fell upon Spain in January 1762, despite opposition to the last by Newcastle, Hardwicke, and Bedford.

In the meanwhile, Pitt's acceptance of handsome pensions and perquisites had vastly alienated his support among the masses, who had thought him their champion and had valued his much-paraded "honesty" and incorruptibility. To divert the attention of the masses from the mud on his halo, Pitt and Temple used Alderman Beckford's warmongering newspaper, the *Monitor*, to urge aggression and all-out war on France and Spain, and for keeping Canada and its fishing rights—a campaign that served to push Pitt's successors more forcefully into the attack on Spain.

The Spanish problem precipitated another pamphlet war toward the end of 1761. Israel Mauduit, now an agent of the Massachusetts Assembly, again called for peace and for keeping Guadeloupe rather than Canada. On the other hand, Bute's agent, Charles Jenkinson, and Grenville's agent, Alexander Wedderburn, launched a newspaper and pamphlet campaign for attacking Spain and keeping Canada—and included hints of attempts to conquer Louisiana and perhaps continue on to Cuba and the silver mines of Mexico. Newcastle was horrified at Grenville's plans to seize Spanish America: "I see things every day worse and worse; . . . this itch after expeditions will exhaust our treasure. . . . What will become of this *poor* country, God only knows. . . . I never saw this nation so near its ruin, as at present. . . . Peace . . . is the only remedy."

At the end of February, the English conquered the French West Indian sugar island of Martinique, and this acquisition again spurred discussion of peace terms. The French were all the more eager to yield Canada but not its fishing rights, provided that the West Indies were restored. But the British war leaders Grenville and Egremont insisted on Louisiana as well. Finally, at the end of May, Newcastle, isolated in the cabinet and seeing the war expand, resigned his post as prime minister, his fellow Whigs Hardwicke and Devonshire resigning as well. In contrast to Pitt, Newcastle refused a placatory pension from the Crown. Bute had at last achieved his aim of ousting Newcastle. Bute, Grenville, and their friends now advanced in their official posts. The Whigs were now completely out of the government for the first time in forty years.

The French were now willing to cede eastern Louisiana—east of the Mississippi—in return for the West Indian islands. But the English leaders had the war bit in their teeth. Grenville, Egremont, Carteret, and even Bedford were insisting on all of Louisiana. Oddly, Bute was now leaning toward the French peace terms. Bereft of allies in concluding peace, Bute began to long for the return of the Whigs, but the Whigs were too out of sympathy with the whole policy of conquest to come to his aid. In August, the British conquered Havana and the war crowd's appetite was whetted still more; Bedford and Halifax called for Florida, and Grenville looked to the conquest of all of Spanish America. Bute, however, was now determined on peace and brought the pliable Henry Fox to leadership of the House of Commons

in order to drive through a peace treaty. In return, Fox would be given a peerage. At the same time, Egremont and Grenville were downgraded in the cabinet. Bute and Bedford finally managed to conclude a preliminary peace on November 3; England would receive Canada, Louisbourg, and all of North America east of the Mississippi, including Florida, as well as three of the minor West Indian islands. France retained Guadeloupe and Martinique, as well as its precious fishing rights off Canada and Newfoundland, and it transferred New Orleans and western Louisiana to Spain in compensation for the Spanish loss of Florida. Cuba was returned to Spain, but Spain lost its fishing rights in exchange for the liquidation of English forts in Honduras. Fox skillfully drove the peace terms through Commons in December, and the final peace treaty was signed in Paris in February 1763. The long war with France was finally over, and France was now completely removed from the North American continent.

As peace finally drew near, British politics centered all the more insistently on the peace terms. In 1757, Parliament, by an oversight, had failed to continue the high tax on newspapers that it had deliberately imposed in 1711 to prevent the growth of a popular, hence an opposition, press. As a result, the press was able to grow and be supported by a wide circulation. The ouster of Newcastle and the Whigs led the Bute ministry, represented by Wedderburn, to establish the *Briton* as its mouthpiece, at the end of May 1762. Earl Temple, as a counter, set up the oppositionist *North Briton* in early June, edited by a long-time follower of his, John Wilkes.

Wilkes, a country squire hailing from a Nonconformist merchant family, was high sheriff of Buckinghamshire. Pitt opposed the new venture as too inflammatory; to Pitt, all such political writing would be "productive of mischief." Wilkes' audacity in editing the *North Briton* only confirmed Pitt's hostility. Even Wilkes' friend and backer, Temple, was generally cool to his bold policy. Temple peppered Wilkes with criticism and advice to temper his opposition, to eschew personal attacks—in short to "sail with the new current" and partake "of the court favor." By mid-October, Temple was writing harshly to his sister, the future wife of Pitt: "Mr. Pitt and I disapprove of this paper war, and the daily abominations which are published; though, because Wilkes professes himself a friend of mine, I am ever represented infamously as a patron of what I disapprove and wish I could have put an end to."* But Wilkes, on the other hand, quickly drew the support of Newcastle and the Whigs, since Wilkes ardently championed the opposition cause.

As the peace treaty became imminent, two contrasting groups made clear their opposition: the Whigs, who continued to oppose the *terms* of undue conquest in North America; and Pitt, who opposed peace *per se* as too soft on the French. The most important Whig statement was a new edition of

*See George Rudé, *Wilkes and Liberty* (Oxford: Clarendon Press, 1962), pp. 19–22.

William Burke's *Examination of the Commercial Principles*. . . , again calling for yielding Canada and the North American lands and to retain the sugar islands. Also influential was the similar *Letter to . . . the City of London* by George Heathcote, M.P., a radical Whig or "Commonwealthman." Temple's papers, taking a continued Pitt or Whig tone in opposition to the peace terms, drew down the wrath of the government, which prepared a general warrant in early November against both the *Monitor* and the *North Briton*. In a February 1763 issue of the *North Briton*, which took essentially the Newcastle-Whig line on the peace treaty, John Wilkes had denounced the ceding of the sugar islands in the West Indies, instead of the vast, expensively maintained tracts in Canada and Florida.

Henry Fox's shrewd management of the peace treaty, however, made this suppression unnecessary, and the general warrant remained unused. William Pitt, in his speech on the treaty, raved and ranted of the absolute necessity of the destruction of France, and for that purpose of retaining the fishing monopoly. By placing his opposition in these war-mad terms, Pitt drove many of the Whigs into lukewarm support of the treaty.

At the end of December, in the "massacre of the Pelham innocents," Fox engineered the ouster of all the Whigs holding public office, for daring to oppose the peace terms. Newcastle had always been friendly to opposition expressed by popular mobs, and he now spurred a vigorous Whig opposition to the increasingly Tory rule. John Wilkes wrote enthusiastically in the *North Briton* of December 25 that every "friend of liberty and of revolution principles" had been dismissed, and they must from now on depend on the people. In a six-part critique of Toryism and Tory rule, Wilkes thundered that "the Tory faction is triumphant, and the most slavish doctrine of passive obedience and non-resistance is preached up by every pamphleteer and . . . insisted upon by an all-grasping minister."

The Whig party was now at a fateful crossroads; it either had to go into vigorous liberal opposition to the administration, or, in effect, had to abandon all of its Whig principles and crawl back into government office. The Whigs polarized. Hardwicke, the Yorke family, and Newcastle's nephew Charles Townshend, along with other conservatives, refused to form a vigorous opposition; whereas the more radical and principled Whigs (especially the Whig youth), headed by the Marquis of Rockingham, formed an opposition "club" with the rather worried blessing of the aging Newcastle. But the reconstituted Whig Club suffered gravely from the lack of a strong leader in the House of Commons.

For its part, the administration felt it necessary to push aggressive expansion and rule in the new American lands in order to justify its own peace terms.

Administering the Conquests

With peace finally concluded and the French ousted from North America, the poor, hapless Acadian refugees in Massachusetts, totaling some nine hundred, began the dangerous and difficult trek back to their beloved Acadia. Many died along the way, but the rest settled again in Acadia. Of course, there was no thought of returning to them their old lands and property. In the final irony, the Acadians who had been sent to France remained as unwanted refugees, pushed from pillar to post for twenty years by the government.

On taking control of Florida from Spain, Britain divided it into two provinces: East Florida, centering in St. Augustine; and West Florida, with headquarters at Pensacola. To East Florida, the British sent as governor Major Francis Ogilvie, who made no attempt to conceal his complete contempt for Spaniards and Roman Catholics.

So grim was the impact of Ogilvie that of the three thousand Spanish inhabitants of St. Augustine, all but five persons decided to emigrate to Cuba. One of the notable events of British East Florida was the founding of the colony of New Smyrna, thirty miles north of Cape Canaveral on the Atlantic Coast. The promoter, Dr. Andrew Turnbull, wangled a grant of sixty thousand acres as well as a ship and a cash bounty from the Crown. In return, he transported over fourteen hundred emigrants from Greece, Italy, and English-occupied Minorca to the new homeland. The immigrants, expecting freedom and abundance, reaped the opposite: seven years of cruel and dispiriting indentured service, giving their forced labor to producing such goods as hemp, cotton, and indigo subsidized by England.

The immigrants arrived in midsummer 1768. In a few weeks they were ready to revolt. The August revolt was led by Carlo Forni and Clotha Corona. A brutal overseer who tried to stop the revolt was killed. The rebels, acting the part of their masters, plundered the property of the Minorcans of the colony, whose only crime was not joining the revolt. Governor James Grant's forces soon seized the rebels, but took four months to capture Forni and a band of his men. The governor decided to be relatively lenient with the mutineers, killing only the two leaders, Forni and Corona.

Another forced labor settlement in East Florida was established at Rollston, on the St. John's River, and organized by the wealthy English landowner Denys Roll. Roll secured a twenty-thousand-acre grant from the government. When the vagrants, beggars, and debtors he had shipped to Rollston balked at the forced labor, Roll cut off their food supply. The workers then ran off to St. Augustine, where the government forcibly shipped them back to suffer Roll's dictates. They succeeded, however, in running away again. In addition, eighty-nine more immigrants fled from Roll. Finally Roll found the open sesame to success; he purchased openly enslaved Negroes, whom he was able to whip into a passable degree of productivity.

What of former French Canada? After 1763, conquered Quebec was, to be sure, theoretically extended the blessings of English legal and representative institutions. But there was one very important catch: Roman Catholics would not be permitted to vote or to hold public office, and were even denied many protections of the law. Thus, the overwhelming majority of the French Québécois were condemned to permanent subjection in their own land. The established French legal and judicial procedures were swiftly destroyed, and English procedures installed in their place. As Catholics, French lawyers were even prohibited from trying cases and French citizens from serving on juries. Moreover, a nascent French Canadian bourgeoisie was crushed by the English conquest. A few hundred English merchants (who came as suppliers and contractors for the British army of occupation) and royal bureaucrats in Canada—almost all new inhabitants—were able to monopolize the courts and juries, and to carry on a systematic campaign of governmental exploitation of the people of Quebec. As in the case of conquered and battered Ireland, the Roman Catholic church in Quebec was forced to become the fortress church of a suppressed ethnic as well as religious people. The church—and the country—turned in upon itself, both stagnating under siege.*

The discrimination against Catholic voting was, in a sense, rendered harmless by the English failure to allow *any* representative assembly in

*See John C. Rule, "The Old Regime in America: A Review of Recent Interpretations of France in America," *William and Mary Quarterly* (October 1962): 590-91.

Quebec. The first royal governor of Quebec, James Murray, and his successor, Guy Carleton, blocked the institution of any assembly.

Meanwhile, in Louisiana, Spain was in no particular hurry to take over from France. The first Spanish governor, Antonio de Ulloa, finally arrived in Louisiana in 1766, and without difficulty managed quickly to alienate almost all groups in the population. Open rebellion and general disgust with government ensued. Things came to a head in 1768, when Spain imposed a thoroughly mercantilist decree excluding all but Spanish ships in Louisiana commerce, and all trade but those to Spanish ports. Five hundred protesters signed a petition demanding the removal of Ulloa and the restoration of freedom of trade. At the end of October, New Orleans was captured by the French rebels. When Ulloa was finally sacrificed to the massive demands for his removal, the citizens of New Orleans poured into the streets to laud the French and attack the Spaniards.

The French government, in politic fashion, rejected a petition from the rebels pledging allegiance to France. Spain decided to crack down on the revolt, and sent as the new governor General Alejandro O'Reilly. Bringing two thousand crack troops, O'Reilly characteristically invited the twelve leaders of the rebellion to meet him at his quarters, only to arrest them there and charge them with treason for rebelling against Spain. Five of the rebel leaders were promptly executed.

At the end of two decades of aggressive war against France, the triumphant British government had succeeded in driving the French empire completely off the North American continent, and in replacing France largely by its own hegemony. By the early 1760s, the British rulers felt themselves to be masters of all they surveyed. Furthermore, the king and the various Tory factions had succeeded in using the war to achieve one of their long-cherished aims: the removal of the liberal, quasi-libertarian Whigs from the seats of ministerial power at home. With that, the major check upon the expansion of the power of the Crown and its allies, at home and throughout the empire, was at last extinct. Since the death of Queen Anne and the accession of the Hanoverian dynasty in the early part of the eighteenth century, the Whigs, headed by Robert Walpole and the Pelham brothers, had succeeded, by crafty manipulation of Parliament, in imposing a lengthy rule that had kept the Tory centralizers and imperialist expansionists under severe and unwelcome fetters. Now, in the early 1760s, the Tories and imperialists had at last succeeded in rooting out the Whig-Pelhamite checkrein on their goals and designs.

In particular, in the colonies, the impatient king and the Tory factions were now free to scrap the policy of "salutary neglect," which Walpole and Newcastle had managed to impose on the reluctant Crown and Par-

liament. Enjoying the blessings of salutary neglect, the American colonies had been able, in the first half of the eighteenth century, to ignore the *de jure* mercantilist restrictions and edicts of Great Britain and to flourish in virtual *de facto* independence from the mother country. It was high time the British imperialists felt, to cast off the restrictions of salutary neglect and to bring the American colonies to heel. It was that grand design that was to precipitate the great conflagration of the American Revolution and to bring a new kind of nation into being.

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Britain: An Historical Survey," in J. K. Eastham, ed., *Economic Essays in Commemoration of the Dundee School of Economics, 1931-1955* (1955).

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Andrew M. Davis, ed., *Colonial Currency Reprints, 1682-1751* (4 vols., 1910-11), is a superb source collection of monetary thought and opinion in the colonies in the first half of the eighteenth century. Harry E. Miller, *Banking Theories in the United States Before 1860* (1927), is excellent if sketchy. Joseph Dorfman's monumental *Economic Mind in American Civilization, 1606-1865*, vol. 1 (1946), is indispensable for economic opinion in the colonies, but it does not do justice to the great hard-money theorist of the colonies, Dr. William Douglass, who, unfortunately, still lacks a biographer or a systematic study.

On British mercantilism and the American colonies, a good account is provided in the fourth volume of Charles M. Andrews, *The Colonial Period of American History* (1938). The Board of Trade is examined in Oliver M. Dickerson, *American Colonial Government, 1696-1765: A Study of the British Board of Trade* (1912), and the influence of the British Treasury in Dora Mae Clark, *The Rise of the British Treasury: Colonial Administration in the Eighteenth Century* (1960). The effects of the Navigation Acts on the American colonies have given rise to

considerable historical controversy. Lawrence A. Harper, *The English Navigation Laws: A Seventeenth Century Experiment in Social Engineering* (1939), is an apologia for the Navigation Acts; far sounder is Oliver M. Dickerson, *The Navigation Acts and the American Revolution* (1951). Particularly good on the issue is Curtis P. Nettels, "British Mercantilism and the Economic Development of the Thirteen Colonies," *Journal of Economic History* (1952). On British naval-store policy, see Joseph J. Malone, *Pine Trees and Politics: Naval Stores and Foreign Policy in Colonial New England, 1691-1775* (1964).

The classic work on British government in America is Leonard W. Labaree, *Royal Government in America* (1930). Bernard Bailyn, *The Origins of American Politics* (1968), is a brilliant explanation of the underlying reasons for the rise of the colonial Assemblies to power over the royal governors, despite the *de jure* powers of the latter, increasingly by midcentury. Bailyn also provides an illuminating contrast, in the course of this explanation, to Great Britain itself, where the king's ministers managed to acquire working control over Parliament during the period, despite the latter's *de jure* power. Jack P. Greene's *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (1963) is a detailed institutional account of the rise of Assembly power in the Southern colonies.

Jack P. Greene, "An Uneasy Connection: An Analysis of the Pre-conditions of the American Revolution," in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (1973), provides new information on the abortive attempt at Halifax, at the Board of Trade in the early 1750s, to enforce on the colonies the network of mercantilist restrictions that had become a dead letter. Lawrence Gipson's massive *The British Empire Before the American Revolution* (15 vols., 1936-70) provides many useful facts on the British Empire and British-American relations, but its interpretation is deeply flawed throughout by furnishing an elaborate apologia for the empire.

A classic treatment of New England town government is Roy H. Akagi, *Town Proprietors of the New England Colonies: A Study of Their Development, Organization, Activities, and Controversies, 1620-1770* (1924). Its class-struggle emphasis, however, particularly on land speculation, needs to be corrected by the brilliant revisionist work of Charles S. Grant, *Democracy in the Connecticut Frontier Town of Kent* (1961).

The decline of Puritan theocracy in Massachusetts is set forth in the brilliant critical and uncompromising work of Thomas Jefferson Wertenbaker, *The Puritan Oligarchy* (1947). John A. Schutz, *William Shirley: King's Governor of Massachusetts* (1961), is more than simply an indispensable, if overly sympathetic, biography of the most important royal governor in that colony (in the 1740s and early 1750s); he is also highly valuable on the frontier expansion and Indian and French relations of the period. The most important work on Massachusetts government in this period is Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (1955), which demonstrates the democratic nature of representation in the Assembly. Brown's celebration of an over-*"democracy,"* however, is crude and simplistic. A valuable discussion on problems with indentured servants in Massachusetts is Lawrence W. Towner, "A Fondness for Freedom: Servant Protest in Puritan Society," *William and Mary Quarterly*.

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The best political history of Pennsylvania in this period is Theodore Thayer, *Pennsylvania Politics and the Growth of Democracy, 1740-1776* (1954); see also Thayer, "The Quaker Party of Pennsylvania, 1755-1765," *Pennsylvania Magazine of History and Biography* (1947). Winifred T. Root's *Relations of Pennsylvania with the British Government, 1696-1765* (1912) is still not obsolete. The literature on Benjamin Franklin is, of course, enormous. The standard biography is Carl Van Doren, *Benjamin Franklin* (1938). Franklin's *Autobiography*, ed. Labaree et al. (1964), is vital as a clue to his character. On Franklin's political machinations, see John J. Zimmerman, "Benjamin Franklin and the Quaker Party, 1755-1756," *William and Mary Quarterly* (1960), and Williams S. Hanna, *Benjamin Franklin and Pennsylvania Politics* (1964). There are several excellent biographies of important political figures of the colony: Roy N. Lokken, *David Lloyd, Colonial Lawmaker* (1959); Theodore Thayer, *Israel Pemberton: King of the Quakers* (1943); and Frederick B. Tolles, *James Logan and the Culture of Provincial America* (1957). Carl and Jessica Bridenbaugh, *Rebels and Gentlemen: Philadelphia in the Age of Franklin* (1942), is the standard cultural history of that city. Frederick B. Tolles, *Meeting House and Counting House: The Quaker Merchants of Colonial Philadelphia, 1682-1763* (1948), is a fine economic and cultural study. War and the Quakers are discussed in Robert L. D. Davidson, *War Comes to Quaker Pennsylvania, 1682-1756* (1957).

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(continued from front flap)

Colonel Washington who laments that "If we talk of obliging men to serve their country, we are sure to hear a fellow mumble over the words *liberty* and *property* a thousand times."

"Liberty and property were indeed increasingly becoming the watchwords of the era," notes Rothbard approvingly, "and the colonial application was being made not only to the distant French but especially to 'their' governments at home." Rothbard hails Pennsylvania's "creatively libertarian" militia, where Quakers were exempted from the draft, officers were democratically elected by the men of each company, regimental officers were in turn elected by company officers, and "no officer or private . . . was to be subject to any articles of war unless he personally declared his consent to them in the presence of a judge."

As always, Dr. Rothbard gives us *fresh* history, the sort that never finds its way into the standard texts. The colorful narrative is spiced with robust Rothbard wit. At his liveliest when most iconoclastic, Dr. Rothbard here displays the verve and originality that have made him the fountainhead of modern libertarian thought.

MURRAY N. ROTHBARD is the celebrated libertarian economist, political scientist and historian. His previous books include *America's Great Depression*, *For a New Liberty*, *Power and Market*, *The Panic of 1819*, *What Has Government Done to Our Money?*² and *Man, Economy, and State*. Arlington House published Volume I of his *Conceived in Liberty* in 1975, this Volume carrying the subtitle *The American Colonies in the 17th Century*. Dr. Rothbard has contributed to numerous journals and edits *The Libertarian Forum*. He carries a heavy lecture schedule and appears often on radio and television. Born in New York City in 1926, he received undergraduate and graduate degrees in economics from Columbia and now serves as professor of economics at the Polytechnic Institute of New York, in Brooklyn. He and his wife JoAnn reside in Manhattan.

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